

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 17, 2005

Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Allison Longman, Riverside Christian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the May 10, 2005 meetings were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamation

Cancer Survivor Day – Diane Thomi, Linda Richardson and Shawn Steele.

Mayor Mayans read the Proclamation aloud.

PUBLIC AGENDA

RICHARD TAYLOR

RICHARD TAYLOR-OFFERING SUPPORT CONCERNING ECONOMIC DEVELOPMENT AND UPCOMING WORK IN THE AREA.

Richard Taylor

Mr. Taylor stated that he is the business manager of the Plumbers and Pipefitters of Kansas Local 441 and the manager of the Central and Western Kansas Building Trades. Stated that they are affiliated with the Wichita/Hutchinson Labor Fed and that is made up of several other labor organizations. Stated that they came today to speak to the Council regarding jobs and economic development and that as a group they were involved with the downtown arena. Stated that they are interested in jobs and that they are excited about the airport expansion, which will be a great project for the community and help make access to Wichita greater, which is a must for economic development. They were very active in the past political session and followed a lot of the bills and looked very closely at the gaming bills. Stated that they have followed and are very actively involved in the Indian Casinos that are being proposed before the state. Stated that the project that they have been looking at right now that can become a reality is the Park City Casino and have had several meetings with the Governor and she has laid out for them what is going to have to take place for that project to become a reality. Stated that state sponsored gaming can take up to five to seven years before anything could happen but with the Park City Casino, it is a real project and has money backing, it is designed and has a location. Stated that this is a huge project, \$270 million dollars and the jobs that it would produce would be phenomenal. Stated that 1500 construction jobs would be created and a payroll during the 14-month construction period is estimated to be close to 80 million dollars. Stated that Law Company and Law Kingdom have been awarded the design build on that project. Stated that they look forward to working with the City Council Members to help be proactive in what happens in this community and what happens around the community.

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CONSENT AGENDA

Motion--carried Mayans moved that the Consent Agenda be approved as presented. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 16, 2005.

Bids were opened May 13, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Meridian from 31st Street South to Pawnee . (87N-0305-01/472-84175/706918/205384) Traffic maintained per traffic control plan. (District IV) - \$3,844,000

Cornejo & Sons Construction - \$2,696,010.35*

*Subject to KDOT approval

2005 sanitary sewer reconstruction, Phase 5 - various locations between Maize & Oliver, and between 21st Street North & Pawnee. (468-84007/620432/665552) Traffic maintained during construction using flagpersons and barricades. (Districts I,III,IV,V,VI)

Wildcat Construction - \$191,649.00

2005 sanitary sewer rehabilitation, Phase C - (various locations between Ridge & Rock, and between 47th St. S. & 23rd St. N. (468-83976/620433/665553) Traffic maintained during construction using flagpersons and barricades. (District I,III,IV,V,VI)

Utility Maintenance Contractors - \$194,975.20

Storm Water Drain #249 to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (468-83938/751389/485280) Does not affect existing traffic. (District V)

Mies Construction - \$114,820.49

Motion -- Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

VARIOUS DEPARTMENTS/BOARDS & AGENCIES: Flashlight Batteries.

Stanton Wholesale - \$11,855.43* (Group 1 total net bid)

*Estimate – Contract approved on unit cost basis,

HOUSING SERVICES DEPARTMENT/HOUSING MAINTENANCE DIVISION,: Pruning, Trimming and Removing Trees.

Alfreds Superior Tree Service - \$22,084.00* (Group 1 total net bid)

*Estimate – Contract approved on unit cost basis,

Motion-- Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

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CMB'S

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Edward J. Roitz	Fleming Convenience F190	233 South Maize Road
Edward J. Roitz	Fleming Convenience F195	10304 West 13th Street
<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Delfino Morillon	Lienso Santa Rosa	2200 North Broadway
Vansant B. Patel	Jay Visat Inc. dba Food Mart	7101 East Lincoln
<u>Special Event</u>		
	<u>May 21-22, 2005</u>	
Mary Isbell	Midian Shrine Swap Meet	4716 South Santa Fe
	<u>June 11-12-13, 2005</u>	
Juanita Albert	Big Dog Motorcycle	1520 East Douglas

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a) Main 20 Southwest Interceptor Sewer - north of 21st Street North, east and west of Hoover. (468-83796/744056/480744) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$1,550,000
- b) Lateral 50, Main 24 War Industries Sewer to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83949/744109/480797) Does not affect existing traffic. (District II) - \$37,000
- c) Thoroughbred from the south line of Lot 21, Block D, north to the south line of Central Avenue; Taylor Circle (Lots 1 through 21, Block D) from the west line of Thoroughbred west to and including the cul-de-sac; Taylor Circle (Lots 10 through 28, Block C) from the east line of Thoroughbred east to and including the cul-de-sac; Thoroughbred Court from the east line of Thoroughbred east to and including the cul-de-sac; Sidewalk on both sides of Thoroughbred to serve Highland Springs 3rd Addition - south of Central, west of 135th Street West. (472-83779/765898/490011) Does not affect existing traffic. (District V) - \$425,600
- d) Cost of construction of Lateral 4, Main 10, Four Mile Creek Sewer: The Fairmont Third Addition - west of 127th Street East, north of 21st Street. (468-83935/744099/480-787). Total estimated cost \$147,150
- e) Cost of construction of Water Distribution System to serve Nice's Addition (north of 13th, east of High). (District VI) 448-89926/735229/470-899 - Total Estimated Cost \$2,909
- f) Cost of construction of Water Distribution System to serve Parkwilde Addition (north of 3rd, west of Florence) (District IV) (448-89874/735172/470-842) - Total Estimated Cost \$2,938
- g) Cost of construction of Water Distribution System to serve 233 North Doris - Westbreeze Addition (south of 2nd, west of West). (District IV) 448-89953/735195/470-865 - Total Estimated Cost \$4,275

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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COST STATEMENTS STATEMENTS OF COST:

- a) 2001 Traffic Signal Program (Construction). Total Cost - \$500,122.94; (plus idle fund interest - \$892.42, - plus temporary note financing - \$5,523.00; less KDOT reimbursements - \$171,883.36; less financing previously issued - \$25,000.00; less interfund transfers - \$227,000.00). Financing to be issued - \$82,655.00. (710215/472-83367/231-077).
- b) K-96 Bicycle Path from Oliver to the East City Limits (Construction). Total Cost - \$781,539.69; (less idle fund interest - \$6,697.94; plus temporary note financing - \$940.59; less KDOT reimbursements - \$551,340.34; less interfund transfers - \$0; less financing previously issued - \$203,800.00). Financing to be issued at this time - \$20,642.00. (706325/472-82675/405-186).
- c) 33rd Street Bridge at West Drain (Construction). Total Cost - \$500,305.66; (plus idle fund interest - \$1,837.77; plus temporary note financing - \$1,649.59; less KDOT reimbursements - \$365,412.26; less interfund transfers - \$0; less financing previously issued - \$125,000.00). Financing to be issued at this time - \$13,380.00. (715679/472-83046/240-087).
- d) 25th Street Bridge over West Branch Chisholm Creek (Construction). Total Cost - \$609,269.39; (less idle fund interest - \$1,363.21; plus temporary note financing - \$10,354.22, less KDOT reimbursements - \$466,007.40; less financing previously issued - \$150,000.00). Financing to be issued at this time - \$2,253.00. (715674/472-83068/248-082).
- e) Meridian from Maple to Central (Construction). Total Cost - \$2,743,374.57; (plus idle fund interest - \$40,582.95; plus temporary note financing - \$2,335.92; less interfund transfers - \$230,000.00; less KDOT reimbursements - \$1,987,729.44; less financing previously issued - \$462,000.00). Financing to be issued at this time - \$106,564.00. (706408/472-82740/405-194).
- f) Broadway from Kellogg to William (Construction). Total Cost - \$1,928,819.04; (plus idle fund interest - \$26,846.45 - plus temporary note financing - \$3,309.80; less interfund transfers - \$555,000.00; less KDOT reimbursements - \$1,242,171.29; less financing previously issued - \$131,000.00). Financing to be issued at this time - \$30,804.00. (705863/472-82412/405-140).
- g) Intersection of 13th Street North and Hydraulic (Construction). Total Cost - \$521,453.56; (plus idle fund interest - \$1,597.93; plus temporary note financing - \$143.22; less interfund transfers - \$30,000.00; less KDOT reimbursements - \$427,762.09; less financing previously issued - \$60,000.00). Financing to be issued at this time - \$5,432.00. (706849/472-83667/202-315).
- h) Central from I-235 to West Street (Construction). Total Cost - \$3,153,326.46; (less idle fund interest - \$13,340.61; plus temporary note financing - \$19,543.42; less interfund transfers - \$725,000.00; less KDOT reimbursements - \$2,247,090.27; less financing previously issued - \$100,000.00; less cash transfer in - \$50,000.00). Financing to be issued at this time - \$37,439.00. (706762/472-83014/208-230).
- i) Pedestrian Bridges on Third Street North from I-135 to Hillside (Construction). Total Cost - \$207,358.20; (plus idle fund interest - \$867.96; plus temporary note financing - \$882.61; less interfund transfers - \$29,627.50; less KDOT reimbursements - \$142,523.27; less financing previously issued - \$35,000.00). Financing to be issued at this time - \$1,958.00. (785012/472-83181/390-144).
- j) Zoo Boulevard Bike Path from Central to Westdale (Construction). Total Cost - \$467,985.92; (plus idle fund interest - \$1,540.86; plus temporary note financing - \$729.64; less KDOT reimbursements - \$302,839.42; less financing previously issued - \$100,000.00). Financing to be issued at this time - \$67,417.00. (706832/472-83442/202-298).
- k) Maple from 119th Street West to 135th Street West (Construction). Total Cost - \$3,385,372.87; (plus idle fund interest - \$8,458.57; plus temporary note financing - \$8,193.24; less interfund transfers - \$26,000.00; less KDOT reimbursements - \$2,324,610.68; less financing previously issued - \$750,000.00). Financing to be issued at this time - \$301,414.00. (706817/472-82262/201-283).

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- l) 55th Street Bridge over Big Slough (Construction). Total Cost - \$690,209.27; (plus idle fund interest - \$1,065.16; plus temporary note financing - \$2,366.93; less interfund transfers - \$15,000.00; less KDOT reimbursements - \$523,005.36; less financing previously issued - \$130,000.00). Financing to be issued at this time - \$25,636.00. (715678/472-83041/240-086).
- m) Central at Ridge Road (2000 Arterial Corridor) (Construction). Total Cost - \$3,238,296.47; (plus idle fund interest - \$1,290.34; plus temporary note financing - \$6,414.21; less interfund transfers - \$840,000.00; less KDOT reimbursements - \$2,351,164.02). Financing to be issued at this time - \$54,837.00. (706805/472-83285/200-271).
- n) 21st Street North from Maize Road to 119th Street West (Construction). Total Cost - \$2,403,866.12; (plus idle fund interest - \$7,378.21; plus temporary note financing - \$4,115.00; less interfund transfers - \$438,300.00; less KDOT reimbursements - \$1,744,780.33; less financing previously issued - \$200,000.00). Financing to be issued at this time - \$32,279.00. (706814/472-83364/201-279).
- o) Central and Rock Road Intersection (Construction). Total Cost - \$1,384,325.79; (plus idle fund interest - \$10,012.75; plus temporary note financing - \$2,528.74; less interfund transfers - \$385,800.00; less KDOT reimbursements - \$986,877.28). Financing to be issued at this time - \$24,190.00. (706819/472-83393/201-285).
- p) 21st Street Bridge at the West Branch of Chisholm Creek (Design). Total Cost - \$46,471.47; (plus idle fund interest - \$155.87; plus temporary note financing - \$126.66; less interfund transfers - \$36,000.00). Financing to be issued at this time - \$10,754.00. (715688/472-83513/242-104).
- q) Traffic Signalization at the intersection of 21st Street North & 119th Street West (Phase I) and Gold & MacArthur (Phase II) (Construction). Total Cost - \$196,026.53; (plus idle fund interest - \$584.47; plus temporary note financing - \$0.00; less interfund transfers - \$140,300.00; less financing previously issued - \$50,000.00). Financing to be issued at this time - \$6,311.00. (710216/472-83609/231-078).
- r) 1st Street and Grove Intersection (Construction). Total Cost - \$23,325.36; (plus idle fund interest - \$234.64; plus temporary note financing - \$0.00; less interfund transfers - \$0.00; less financing previously issued - \$0.00). Financing to be issued at this time - \$23,560.00. (706912/472-84095/204-378).
- s) Zoo Boulevard Bike Path from Central to Westdale (Design). Total Cost - \$65,101.20; (plus idle fund interest - \$190.82; plus temporary note financing - \$671.98; less interfund transfers - \$35,000.00; less financing previously issued - \$25,000.00;). Financing to be issued at this time - \$5,964.00. (785005/472-83247/390-137).
- t) Zoo Boulevard Bikepath from Westdale Drive to Windmill Road/Pedestrian Bridge (Design). Total Cost - \$57,165.00 (less idle fund interest - \$12.18; plus temporary note financing - \$1,589.18; less interfund transfers - \$55,000.00; less financing previously issued - \$0.00;). Financing to be issued at this time - \$3,742.00 (785010/472-83248/390-142).
- u) Zoo Boulevard Bikepath from Westdale Drive to Windmill Road/Pedestrian Bridge (Construction). Total Cost - \$93,921.18 (plus idle fund interest - \$410.60; plus temporary note financing - \$671.22; less interfund transfers - \$0.00; less financing previously issued - \$0.00;). Financing to be issued at this time - \$95,003.00 (706833/472-83450/202-299).
- v) 29th Street North, Maize Road to Tyler Road (Design). Total Cost - \$69,546.59 (plus idle fund interest - \$156.41; plus temporary note financing - \$0.00; less interfund transfers - \$64,700.00; less financing previously issued - \$0.00;). Financing to be issued at this time - \$5,003.00 (706837/472-83505/202-303).

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- w) Century II Parking Lot (Construction). Total Cost - \$45,675.71 (plus idle fund interest - \$385.39; plus temporary note financing - \$270.90; less interfund transfers - \$0.00 – less financing previously issued - \$0.00;). Financing to be issued at this time - \$46,332.00 (706878/472-83951/204-344).
- x) Intelligent Transportation System. Total Cost - \$64,878.22 (plus idle fund interest - \$974.60; plus temporary note financing - \$930.61; less KDOT reimbursements - \$49,810.43; less interfund transfers - \$0.00 – less financing previously issued - \$12,000.00;). Financing to be issued at this time - \$4,973.00 (706826/472-83413/201-292).
- y) 13th Street Bridge at Cowskin Creek (Design). Total Cost - \$64,619.53 (plus idle fund interest - \$377.47; plus temporary note financing - \$0.00; less interfund transfers - \$63,200.00 – less financing previously issued - \$0.00;). Financing to be issued at this time - \$1,797.00 (715686/472-83511/242-102).
- z) Bike Path along the Little Arkansas River from 13th Street North to the Intersection of 21st Street North at Amidon (Design). Total Cost - \$40,359.31 (plus idle fund interest - \$582.37; plus temporary note financing - \$100.32; less KDOT reimbursements - \$0.00; less interfund transfers - \$0.00; less financing previously issued - \$30,000.00;). Financing to be issued at this time - \$11,042.00 (706831/472-83436/202-297).
- aa) Intersection of Tyler and Yosemite (Design). Total Cost - \$39,798.40 (plus idle fund interest - \$189.60; plus temporary note financing - \$0.00; less KDOT reimbursements - \$0.00; less interfund transfers - \$25,500.00 – less financing previously issued - \$0.00;). Financing to be issued at this time - \$14,488.00 (706859/472-83757/203-325).
- bb) (Amended) Mt. Vernon Bridge at Gypsum Creek (Construction). Total Cost - \$231,042.61; (plus idle fund interest - \$4,459.68; plus temporary note financing - \$1,539.64; less interfund transfers - \$28,874.35; less KDOT reimbursements - \$34,320.58; less financing previously issued - \$163,263.00). Financing to be issued at this time - \$10,584.00. (715490/472-82902/248-063).
- cc) (Second Partial) Estimate of Cost for 21st Street Bikepath, Ridge to Maize Road – Total Cost - \$426,370; less KDOT reimbursements - \$306,370, less financing previously issued - \$50,000. Financing to be issued at this time - \$70,000. (706843/472-83532/202-309).
- dd) (Third Partial) Estimate of Cost for Harry Street, between I-135 Freeway and George Washington Blvd. (Construction) – Total Cost - \$273,000; less financing previously issued - \$223,000. Financing to be issued at this time - \$50,000. (706851/472-83686/203-317).
- ee) (Fourth Partial) Estimate of Cost for Harry Street, from Oliver to Woodlawn – Total Cost - \$1,755,480; less KDOT reimbursements - \$1,282,480; less financing previously issued - \$428,000. Financing to be issued at this time - \$45,000. (706852/472-83685/203-318).
- ff) (Second Partial) Estimate of Cost for Douglas and Oliver Intersection (Design) – Total Cost - \$23,000; less financing previously issued - \$11,000. Financing to be issued at this time - \$12,000. (706853/472-83755/203-319).
- gg) (Third Partial) Estimate of Cost for Meridian from 31st Street South to Pawnee (2003 Arterial Street – Design) – Total Cost - \$75,000; less financing previously issued - \$53,000. Financing to be issued at this time - \$22,000. (706854/472-83756/203-320).
- hh) (Third Partial) Estimate of Cost for 29th Street North, Tyler to Ridge – Total Cost - \$73,000; less financing previously issued - \$61,000. Financing to be issued at this time - \$12,000. (706856/472-83751/203-322).

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- ii) (Second Partial) Estimate of Cost for 29th Street North, ½ mile west of Maize to Maize – Total Cost - \$38,000; less financing previously issued - \$13,000. Financing to be issued at this time - \$25,000. (706858/472-83752/203-324).
- jj) (Second Partial) Estimate of Cost for Central, Oliver to Woodlawn – Total Cost - \$100,000; less financing previously issued - \$85,000. Financing to be issued at this time - \$15,000. (706862/472-83754/203-328).
- kk) (Third Partial) Estimate of Cost for Main, Douglas to Murdock (Construction) – Total Cost - \$1,039,000; less financing previously issued - \$1,016,000. Financing to be issued at this time - \$23,000. (706864/472-83811/203-330).
- ll) (Second Partial) Estimate of Cost for McCormick Realignment (Construction) – Total Cost - \$123,000; less financing previously issued - \$113,000. Financing to be issued at this time - \$10,000. (706866/472-83831/203-332).
- mm) (Third Partial) Estimate of Cost for Hillside, from Kellogg to Central (Construction) – Total Cost - \$251,439; less financing previously issued - \$231,439. Financing to be issued at this time - \$20,000. (706867/472-83862/204-333).
- nn) (Third Partial) Estimate of Cost for 29th Street North from Maize to Tyler (Construction) – Total Cost - \$400,000; less financing previously issued - \$100,000. Financing to be issued at this time - \$300,000. (706868/472-83863/204-334).
- oo) (Third Partial) Estimate of Cost for Pawnee, Washington to Hydraulic (Construction) – Total Cost - \$189,900; less financing previously issued - \$139,900. Financing to be issued at this time - \$50,000. (706869/472-83858/204-335).
- pp) (Third Partial) Estimate of Cost for Intersection of Pawnee and Washington – Total Cost - \$194,300; less financing previously issued - \$174,300. Financing to be issued at this time - \$20,000. (706870/472-83859/204-336).
- qq) (Second Partial) Estimate of Cost for Central Avenue, Oliver and Woodlawn – Total Cost - \$62,000; less financing previously issued - \$14,000. Financing to be issued at this time - \$48,000. (706871/472-83873/204-337).
- rr) (Second Partial) Estimate of Cost for Central, Woodlawn and Rock – Total Cost - \$24,000; less financing previously issued - \$14,000. Financing to be issued at this time - \$10,000. (706872/472-83874/204-338).
- ss) (Third Partial) Estimate of Cost for Rock, 21st to 29th – Total Cost - \$1,627,009; less KDOT reimbursements - \$1,060,009; less financing previously issued - \$492,000. Financing to be issued at this time - \$75,000. (706874/472-83889/204-340).
- tt) (Second Partial) Estimate of Cost for Hydraulic, 47th Street South and 57th Street South (Construction) – Total Cost - \$2,895,581; less KDOT reimbursements - \$1,841,581; less financing previously issued - \$654,000. Financing to be issued at this time - \$400,000. (706877/472-83902/204-343).
- uu) (First Partial) Estimate of Cost for 2004 Arterial Sidewalk & Wheelchair Ramp Program – Total Cost - \$270,000; less financing previously issued - \$0. Financing to be issued at this time - \$270,000. (706879/472-83966/204-345).
- vv) (First Partial) Estimate of Cost for Grove Park Trailhead (Design) – Total Cost - \$15,000; less financing previously issued - \$0. Financing to be issued at this time - \$15,000. (706883/472-84003/204-349).

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ww) (First Partial) Estimate of Cost for Midtown Bikepath (Design) – Total Cost - \$39,000; less financing previously issued - \$0. Financing to be issued at this time - \$39,000. (706884/472-84008/204-350).

xx) (First Partial) Estimate of Cost for Gypsum Creek Bikepath (Design) – Total Cost - \$45,000; less financing previously issued \$0. Financing to be issued at this time - \$45,000. (706885/472-84009/204-351).

yy) (Second Partial) Estimate of Cost for Pawnee, 119th Street West and Maize (Design) – Total Cost - \$60,000; less financing previously issued - \$50,000. Financing to be issued at this time - \$10,000. (706891/472-84005/204-357).

zz) (Second Partial) Estimate of Cost for Seneca, I-235 Freeway and 31st Street South (Design) – Total Cost - \$45,000; less financing previously issued - \$35,000. Financing to be issued at this time - \$10,000. (706892/472-84006/204-358).

aaa) (Second Partial) Estimate of Cost for Pawnee, Meridian to Seneca (Design) – Total Cost - \$60,000; less financing previously issued - \$30,000. Financing to be issued at this time - \$30,000. (706893/472-84012/204-359).

bbb) (First Partial) Estimate of Cost for Pawnee, Palisade and Broadway (Design) – Total Cost - \$30,000; less financing previously issued - \$20,000. Financing to be issued at this time - \$10,000. (706894/472-84013/204-360).

ccc) (First Partial) Estimate of Cost for Oliver, Harry to Kellogg (Design) – Total Cost - \$20,000; less financing previously issued - \$0. Financing to be issued at this time - \$20,000. (706895/472-84018/204-361).

ddd) (First Partial) Estimate of Cost for MacArthur, Meridian and Seneca (Design) – Total Cost - \$30,000; less financing previously issued - \$0. Financing to be issued at this time - \$30,000. (706886/472-83996/204-362).

eee) (First Partial) Estimate of Cost for Central Avenue, 135th Street West and 119th Street West (Design) – Total Cost - \$40,000; less financing previously issued - \$0. Financing to be issued at this time - \$40,000. (706898/472-84017/204-364).

fff) (First Partial) Estimate of Cost for Harry, K-42 Highway and Meridian (Design) – Total Cost - \$20,000; less financing previously issued - \$0. Financing to be issued at this time - \$20,000. (706900/472-84001/204-366).

ggg) (Second Partial) Estimate of Cost for 29th Street North, 119th Street West and Maize (Design) – Total Cost - \$50,000; less financing previously issued - \$20,000. Financing to be issued at this time \$30,000. (706901/472-83982/204-367).

hhh.) (Second Partial) Estimate of Cost for 21st Street, Oliver and Woodlawn (Design) – Total Cost - \$52,000; less financing previously issued - \$22,000. Financing to be issued at this time - \$30,000. (706902/472-84016/204-368).

iii) (Second Partial) Estimate of Cost for 13th, 135th Street West and 119th Street West (Design) – Total Cost - \$64,000; less financing previously issued - \$39,000. Financing to be issued at this time - \$25,000. (706904/472-84010/204-370).

jjj) (Second Partial) Estimate of Cost for Pawnee and McLean Intersection (Design) – Total Cost - \$24,000; less financing previously issued - \$10,000. Financing to be issued at this time - \$14,000. (706906/472-84007/204-372).

kkk) (First Partial) Estimate of Cost for Harry and Longford Intersection (Design) – Total Cost - \$12,000; less financing previously issued - \$0. Financing to be issued at this time - \$12,000. (706907/472-83998/204-373).

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III) (Second Partial) Estimate of Cost for 17th and Hillside Intersection (Design) – Total Cost - \$20,000; less financing previously issued - \$10,000. Financing to be issued at this time - \$10,000. (706908/472-84015/204-374).

mmm) (Second Partial) Estimate of Cost for 2004/2005 Traffic Signalization Program – Total Cost - \$320,000; less financing previously issued - \$100,000. Financing to be issued at this time - \$220,000. (706911/472-83991/204-377).

nnn) (First Partial) Estimate of Cost for 29th Street Improvement between Tyler and Ridge (Design) – Total Cost - \$10,000; less financing previously issued - \$0. Financing to be issued at this time - \$10,000. (706914/472-83903/204-380).

ooo) (First Partial) Estimate of Cost for 2005 Arterial Sidewalk/Wheelchair Ramp Program – Total Cost - \$12,000; less financing previously issued - \$0. Financing to be issued at this time - \$12,000. (706915/472-84142/205-381).

ppp) (Tenth Partial) Estimate of Cost for 1998/1999 Arterial Corridor Improvement Program (Design) – Total Cost - \$1,742,000; less financing previously issued - \$1,725,000. Financing to be issued at this time - \$17,000. (706705/472-82932/208-224).

qqq) (First Partial) Estimate of Cost for Murdock Bridge at Little Arkansas River – Total Cost - \$1,122,680; less KDOT reimbursements - \$792,680; less financing previously issued - \$0. Financing to be issued at this time - \$330,000. (715698/472-83895/244-114).

rrr) (First Partial) Estimate of Cost for 9th Street Bridge at Westlink Ditch – Total Cost - \$150,119; less KDOT reimbursements - \$105,119; less financing previously issued - \$0. Financing to be issued at this time - \$45,000. (715702/472-84021/244-118).

sss) (Seventh Partial) Estimate of Cost for River Corridor – Arkansas Riverbank improvements (Construction) – Total Cost - \$4,509,000; less financing previously issued - \$4,459,000. Financing to be issued at this time - \$50,000. (706556/472-82799/405-209).

ttt) (Amended First Partial) Estimate of Cost for 13th Street Bridge at Cowskin Creek – Total Cost - \$969,113; less KDOT reimbursements - \$389,295; less financing previously issued - \$249,818. Financing to be issued at this time - \$330,000. (751697/472-83851/244-113).

Motion--carried

Mayans moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

WALNUT GROVE

PETITION FOR SANITARY SEWER TO SERVE PART OF LOT 21, WALNUT GROVE ADDITION, WEST OF ARKANSAS AVENUE, NORTH OF 33RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0459

The Petition has been signed by three owners, representing 100% of the improvement district.

The project will provide sanitary sewer service to an existing home and vacant lot at the northeast corner of 33rd Street North and Jeanette.

The Petition totals \$6,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-267

Resolution of findings of advisability and Resolution authorizing construction of Lateral 148, Main 4, Sanitary Sewer No. 23 (west of Arkansas, north of 33rd street north) 468-84008 , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

NAT'L TRAVELING EXHIBIT AGREEMENT/CONTRACT: NATIONAL TRAVELING EXHIBIT AGREEMENT.

Agenda Report No. 05-0460

The Wichita Public Library is one of 17 public libraries and 61 libraries of all types selected as host sites for "Changing the Face of Medicine: Celebrating America's Women Physicians," a traveling exhibit of the National Library of Medicine and the American Library Association. Although not scheduled as a site until 2009, the Library must submit a site agreement prior to June 4, 2005 to secure its place on the tour schedule.

In recent years, the Library has hosted national traveling exhibits and offered supporting programming as a way to create increased community awareness in the collections and services of the department. Previous exhibits include "Listening to the Prairie: Farming in Nature's Image" and "At the Controls: The Smithsonian National Air and Space Museum Looks at Cockpits." Most recently, the Library completed an April 2005 display of "Anne Frank: A History for Today" as well as a series of programs on related issues. More than 330 people attended the exhibit as part of organized tours with 12,000 individuals estimated to have toured the exhibit during the display's four-week stay.

All library program and exhibit costs are funded through private or grant sources. The Library's humanities endowment would provide for the costs of obtaining the exhibit as well as all of the library programs and promotion related to it.

Motion--
-- carried

Mayans moved to support the Library's effort to become host site by authorizing the Director of Libraries to execute the Letter of Agreement on behalf of the City. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION: PART OF 2501 WEST PAWNEE: MERIDIAN IMPROVEMENT PROJECT FROM 31ST STREET SOUTH TO PAWNEE. (DISTRICT IV)

Agenda Report No. 05-0461

On March 1, 2005, City Council approved a project to improve Meridian, between 31st Street South to Pawnee. The improvement plans call for partial acquisitions of two parcels. The second acquisition at 2501 W. Pawnee requires a 154.9 square foot corner take of land. The property is a tenant-occupied fast food restaurant situated on a 13,939.2 square foot site.

The property owner has agreed to accept \$1,025. \$775 for the acquisition and \$250 for the temporary easement. The building improvements will not be impacted by this acquisition.

The funding source for the City share of the project is General Obligation Bonds. A budget of \$1,500 is requested. This includes \$1,025 for the acquisition, and \$475 for closing costs and title insurance.

Motion--
--carried

Mayans moved that the Budget and Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

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EVIDENCE FACIL. SHELVING FOR THE NEW PROPERTY AND EVIDENCE FACILITY.

Agenda Report No. 05-0462

On July 13, 2004, the City Council approved the renovation of the south one-third of the Rounds and Porter building for use as the Police Property and Evidence (P & E) facility. Before the move to Rounds and Porter, the Department is using five facilities for property and evidence storage.

An architectural estimate commissioned in 2002 estimated the renovation cost at \$675,794, not including exterior work such as replacement of metal windows and doors. However, the budget recommended by staff and approved by Council was \$675,000 for all construction elements. That budget is expected to be sufficient to fund all construction elements.

Further evaluation by the Police Department determined that the shelving currently in use for storage of evidentiary material would not be sufficient to store evidence from all five facilities, even with the space expanded at Rounds and Porter. Replacing the shelving would not only provide better access and storage for property and evidence items, but the total amount of shelving would be increased to consolidate storage of items that are not able to be shelved at the current facility.

The proposed 2005–2014 Capital Improvement Program (CIP) will recommend a \$50,000 project for shelving at the new P & E facility. To expedite the move to the new facility, staff is requesting initiation of the shelving project immediately. Initiating the project now will enable staff to move the current P & E materials directly onto the new shelving, saving the time and effort required to move items twice. The new shelving will also accelerate consolidation of P & E items from five locations into the new facility. The funding source is General Obligation bonds.

Motion--
--carried

Mayans moved that the project be approved; the bonding resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-281

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements; authorizing and providing for the making and financing of the improvement in accordance with the findings of the governing body; and directing the publication of this resolution, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

FOUR MILE CREEK FOUR MILE CREEK SEWAGE TREATMENT FACILITY-BYPASS PIPING. (DISTRICT II)

Agenda Report No. 05-0463

The Four Mile Creek Sewage Treatment Facility (FMC) has two holding ponds (Timberlakes) west of the plant that serve as extraneous flow basins. The basins are used during extremely high flows to store wastewater and avoid bypassing to the creek, or backing flow into citizens' houses. The current diversion method allows excess water to back into the gravity sewage collection system and overflow into a pump station. This pump station then pumps the water to the holding ponds. The excess water is held in the ponds until the wet weather subsides and then is pumped back into the plant.

The current design does not start diverting excess flow from the system until sewage is backed up within a one-foot elevation of customers' basements. This may have been effective when the sanitary sewer collection system was new and facility flows were lower. Flows to this plant have become higher than the original design flow with the inflow to the system easily doubling during wet weather, compared to the normal dry weather flow rate.

By adding piping and valves from the FMC main pump station to the Timberlakes holding ponds, Staff can maintain a lower wet weather operating elevation in the collection system. This will provide greater protection from the possibility of flooding customers' basements, or violating discharge regulations.

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Engineering services will be required to evaluate the hydraulics and develop a construction plan and drawing.

The estimated cost for engineering services with a 10% contingency is \$5,330. Staff expects materials will cost \$28,300 for a total engineering and construction cost for the project of \$33,630. Funding is available in the CIP S-520, Four Mile Creek Plant Improvements.

The Agreement will be reviewed and approved by Law.

Motion--
--carried

Mayans moved that the project be approved and the necessary signatures authorized. Motion carried 7 to 0.

SHARPLINE

TAX EXEMPTION REQUEST, SHARPLINE CONVERTING, INC. (DISTRICT V)

Agenda Report No. 05-0464

On April 5, 2005, City Council approved a 100% tax exemption on real and personal property improvements for an initial five-year term, plus a 100% exemption, on real property only, for a second five-year period to Sharpline Converting, Inc. The tax exemption was granted on an expansion that included construction of a 30,000 s.f. building addition and the purchase of machinery and equipment, for a total project cost of \$1,932,987. Sharpline Converting, Inc. located at 1520 S. Tyler in southwest Wichita, was locally formed in 1976, designs, develops, markets and manufactures graphic image products.

The Ordinance that was approved on April 5, 2005, was approved with the 50% reduction for the second five-year's that would have been appropriate under the old Business Incentive Policy. It will be necessary to republish the Ordinance granting the property tax exemption under the new Economic Development Incentive Policy.

There is no financial impact to the City as a result of the modification to the Ordinance.

Motion--
--carried

Mayans moved that the corrected Ordinance granting a 100% tax exemption on the real and personal property improvements for an initial five-year term, plus a 100% exemption, on real property only, for a second five-year period, subject to City Council review be adopted. Motion carried 7 to 0.

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Sharpline Converting, Inc. so exempted, introduced and under the rules laid over.

BEAUTY FIRST

REDEMPTION OF INDUSTRIAL REVENUE BONDS, BEAUTYFIRST PROJECT. (DISTRICT II)

Agenda Report No. 05-0465

On August 10, 2004, the City Council approved the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$3 million, to River Sharpe Properties LLC for the benefit of the BeautyFirst project, and approved a 100% five-plus-five year tax exemption on bond-financed improvements. The bond proceeds were used to construct a 12,000 s.f. corporate office building and a 41,000 s.f. warehouse distribution facility.

On May 10, 2005, the City Council amended the Ordinance and other bond documents to redeem a portion of the Series B, 2004 Bonds with Series A, 2004 Bond Proceeds. River Sharpe Properties LLC is requesting City Council to approve an early call of a portion of the Bonds to be redeemed with Series A proceeds on May 17, 2005, or soon thereafter.

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Sunflower Bank, N.A., Wichita, Kansas, as the Holder of 100% the Outstanding Priority Bonds, and River Sharpe Properties, LLC, as Holder of 100% of the Series B Bonds, have each consented to such redemption and have waived timely notice of same.

There is no financial impact to the City resulting from the proposed redemption.

Motion--
--carried

Mayans moved that the Resolution authorizing an early redemption of a portion of the Series IV-B, 2005 Bonds and ratifying the Trustee's call notice be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-282

A Resolution of the City of Wichita, Kansas, authorizing partial redemption and payment of subordinated taxable Industrial Revenue Bonds, Series IV-B, 2005 (Beautyfirst, Inc. Project), presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

BOND SERIES 2005A CURRENT REFUNDING OF WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2005A.

Agenda Report No. 05-0488

During its Special Session on April 26, 2005, the City Council voted to approve the Bond Ordinance, Bond Resolution and Bond Purchase Agreement for the issuance of the Series 2005A Water and Sewer Utility Refunding Revenue Bonds. The action recommended on agenda report 05-0394, with respect to the Declaration of Emergency was slightly misstated, and the principal amount of the bond issue, indicated on the agenda report as \$45,285,000, had been superceded by the higher principal amount of \$45,535,000 as a result of the bond pricing. Unfortunately, the April 26 minutes were prepared from agenda report 05-0394, without substitution of the updated information on the principal amount of the refunding.

Bond Counsel has advised that the Bond Ordinance and Bond Resolution prepared for the Special Session on April 26, 2005 had the corrected principal amount inserted in them, following the conclusion of the pricing, and prior to the actual City Council action. Consequently, the actual Ordinance and Resolution presented for adoption by the City Council reflected the correct principal amount of the refunding, even though the agenda report did not.

In addition, even though the portion of the agenda report concerning emergency action was slightly misstated (to authorize the Mayor to sign the Request rather than approving the Mayor's Request for Declaration of Emergency), it is clear in context of the official action (passing the Ordinance on a single reading) that City Council in fact approved the Mayor's Request for Declaration of Emergency in the course of its action on the item. Accordingly, it is appropriate to suspend the rules in order to correct the minutes of the April 26, 2005 Special Session to conform them to the action intended by the City Council, as evidenced by the approved Bond Ordinance and Resolution.

The Series 2005A Bond issue was closed as scheduled on May 12, 2005, as needed to preserve the savings from the refunding, and consistent with the apparent intent of the Bond Ordinance and Bond Resolution approved by the City Council. This was done with the understanding that staff would seek subsequent action to clarify the April 26, 2005 minutes so that they were in conformity with the Bond Ordinance and Resolution.

The correction of the minutes is appropriate to accurately reflect in the minutes the actual terms of the refunding approved by the April 26, 2005 action, consistent with the Bond Ordinance and Resolution.

Motion--

Mayans moved to suspend the rules and correct the April 26, 2005 minutes to show the principal amount of the 2005A Water & Sewer Refunding Revenue Bonds as "\$45,535,000," and to correct the Motion and action references as follows:
"Motion-- Mayans moved that the Bond Purchase Agreement and the Mayor's Request for Declaration of Emergency be approved; and the Bond Ordinance and Resolution for the authorization and issuance

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of the Series 2005A Water and Sewer Refunding Revenue Bonds, in the aggregate principal amount of \$45,535,000 be adopted on their date of introduction and the Mayor authorized to execute the Request for Declaration of Emergency.

--carried

Motion carried 7 to 0.

UNFINISHED BUSINESS

ICE SPORTS

ICE SPORTS BUDGET PLAN. (DISTRICT IV) (CONTINUED FROM MAY 3, 2005)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 05-0467

At its May 3, 2005, meeting, the City Council directed Park and Recreation Department staff to take three actions:

1. Open negotiations with Canlan Ice Sports to end the current contract. This has begun and action will need to be taken at future Council meetings.
2. Create a plan to minimally operate Ice Sports Wichita. Suggested plan herein.
3. Issue an RFP for a new management plan. The creation of the document has begun.

It is the opinion of Park and Recreation staff that we should try to maintain the operations of Ice Sports Wichita as close to full operations as possible. There are revenue opportunities that may be lost if we reduce this budget significantly. We already have much of the ice time for May obligated. There is a summer adult hockey league waiting to start in June (have not yet paid) that should run through August. The figure skating is ready to pay for ice time in June, July and August. We further believe the current employees should be retained and employed as City employees until the new management plan is in place later this year.

To continue to operate Ice Sports Wichita as closely to normal over the next several months or until a new management plan is approved, the following monthly cost estimates would have to be paid for by revenues generated or by other General Fund sources.

Full-time staff per month (including benefits)	\$19,415.00
· Program Development Coordinator (116)	
· Public Educator (120)	
· Recreation Supervisor I (120)	
· Associate Accountant (624)	
· Maintenance Mech. Supervisor (622)	
· Customer Service Clerk II (619)	

Temporary Help (Syndeo) to support planned hockey, figure skating instructors, learn-to-skate instructors and concession stand	14,225.00
--	-----------

Utilities (need to pay, regardless of how building may be programmed – includes only one sheet of ice)

· Electricity	12,375.00
· Natural Gas	6,850.00
· Water & Sewer	2,800.00
· Phone	975.00
	23,000.00

Maintenance

· Building	5,600.00
· Equipment	3,375.00
	8,975.00

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Contractuals – other	750.00
Items for resale (concessions)	375.00
All other commodities, supplies, insurance, etc.	10,570.00
TOTAL ESTIMATED MONTHLY COST	7,310.00
TOTAL ESTIMATED COST TO END OF YEAR	\$618,480.00

Based on current planned programs and suggested new summer programs, the following revenues could be expected, if authorized to operate status quo. Recognizing the difficulty in forecasting expenses and revenues, staff will include a contingency amount of \$26,542.00.

REVENUES ESTIMATED PER MONTH

May	\$75,000.00
June	65,330.00
July	66,234.00
August	63,144.00
September	68,074.00
October	80,709.00
November	98,548.00
December	111,243.00
TOTAL REVENUES EXPECTED TO END OF YEAR	\$628,282.00

SUMMARY

Month	Estimated Expend.	Estimated Revenues	Est. Transfers
May	\$77,310.00	\$75,000.00	[2,000.00]
June	77,310.00	65,330.00	[11,980.00]
July	77,310.00	66,234.00	[11,076.00]
August	77,310.00	63,144.00	[14,166.00]
September	77,310.00	68,074.00	[9,236.00]
October	77,310.00	80,709.00	-0-
November	77,310.00	98,548.00	-0-
December	77,310.00	111,243.00	-0-
TOTAL EST. TRANSFERS NEEDED THRU END OF SUMMER			[48,458.00]
Contingency Fund			[26,542.00]
TOTAL TRANSFERS AND CONTINGENCY			[75,000.00]

It is further planned that any surplus revenues will be transferred back into the General Fund Appropriated Reserves at year end to “pay back” that fund up to the amount transferred to it.

The City Council has the authority to create new City positions and authorize the filling of those positions any time during the fiscal year.

Council Member Fearey	Council Member Fearey asked if it would be feasible before next summer, to have the general fund paid back and enough money set aside to make it through next summer.
Doug Kupper	Director of Parks and Recreation explained that their intent is to make it a stopgap until we have a new management plan in place. Stated that depending on what the management agreement is and what will be brought before the Council, they may not need to worry about next summer because there would be a new management plan in place.
Mayor Mayans	Mayor Mayans inquired about the employees that would be used for a few months until the new management comes in.
Doug Kupper	Director of Parks and Recreation explained that these employees would be listed as limited employees, which would only be for the length of time that we would need them. Stated that it is their intent to write into the RFP, that these employees be protected even under the new management company to get them to hire them as their employees to operate the facility. Stated that these limited city employees would get the benefits, health care, vacation, holiday pay but only get the benefits for the length of time

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that there services are required to operate this facility and if the new management does not hire them, they would cease to exist as city employees as well.

- Mayor Mayans Mayor Mayans stated that he has concerns with some of the budget amounts and thinks that some of them are high. Stated that he also has issues with the estimated revenues and the estimated transfer. Stated that he would like to propose that the Council transfer \$25,000.00 and that if there are difficulties with this amount and it is already spent, then to come back to the Council to request another \$25,000.000 and then explain what has been happening. Stated that this is a way to stay on top of this issue because the Council cares about this facility and the use of it by the community and that they want to make sure that they can turn this into at least break even as soon as possible.
- Council Member Schlapp Council Member Schlapp suggested that the Council ask staff to bring them at the end of each month an account of exactly what is happening and being spent and this way they would not have to wait for the \$25,000.00 to be spent.
- Mayor Mayans Mayor Mayans stated that he would like to make this part of the motion.
- Council Member Fearey Council Member Fearey stated that she would like to get monthly accounting of this broken down with the items listed on the agenda report plus the expenditures budget to assure the public that that we are going to keep this facility open and not have the angst that they have been going through. Stated that she would be comfortable with going at a higher dollar amount to \$50,000.00 because there is a lot of concern out there.
- Council Member Martz Council Member Martz stated that we are definitely making a step in the right direction. Stated that he is concerned from the standpoint that if we go with a smaller dollar amount, that we end up back and forth each month and the angst of the public opinion that we are not committed, thinks that we should be committed to making this work and are doing everything that they can to keep this facility open and that this is a positive move across the board. Stated that one of the programs available is getting all of the elementary schools in Wichita, to have at least one ice skating party a year would also help.
- Council Member Brewer Council Member Brewer stated that if we could receive receipts and disbursements every 30 days as to what is going on and what the projected revenue would be for the upcoming month, would be a good way to determine and watch how much is going out and coming in and what is anticipated to happen. Stated that this is a way to keep track of the total dollars and to keep the total dollars down until the RFP is filled.
- Mayor Mayans Mayor Mayans stated that this is a good and progressive thing and that we are doing this for the community.
- Council Member Gray Council Member Gray inquired about a sign being placed on this facility so that it would be visible off of Kellogg and help advertise this facility properly.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Marylou Woller Ms. Waller thanked the Council Members for their decision and thinks that it has been well thought out and will be able to operate under these conditions.
- Motion-- Gray moved that the necessary monthly budget transfers from General Fund Appropriated Reserves to the Ice Rink Fund not to exceed \$50,000 total be authorized; the budget line items within the Ice Rink Fund and in the General Fund be adjusted as needed and the appropriate new City positions be authorized and provide the City Council Members with a monthly itemization of revenues and expenses. Motion carried 7 to 0.
- carried

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NEW BUSINESS

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT I)

Kurt Schroeder

Office of Central Inspection reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 05-0467

On April 5, 2005 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on May 17, 2005.

On March 7, 2005, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

Property Address	Council District
a. 937 North Wabash	I
b. 1416 North Lorraine	I
c. 1432 North Lorraine	I
d. 1501 North Fountain	I
e. 1738 North Grove	I
f. 2427-29 East Shadybrook	I
g. 1848 North New York	I

Pursuant to State Statute, the Resolutions were duly published twice on April 7, 2005, and April 14, 2005. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder

Office of Central Inspection stated no one has shown up to speak today for items B through G, so staff recommends that on items B through G to make a motion to proceed with condemnation and removal. Stated that there is someone here to speak on item (A), 937 North Wabash.

Motion--

Brewer moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures be adopted and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures be accepted. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of May 17, 2005; (2) the structures have been secured as of May 17, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 17, 2005 and will be so maintained during renovation for the properties located at (b) 1416 North Lorraine; (c) 1432 North Lorraine; (d) 1501 North Fountain; (e) 1738 North Grove; (f) 2427-29 East Shadybrook and (g) 1848 North New York. Motion carried 7 to 0.

--carried

Kurt Schroeder

Office of Central Inspection reported that item(A) 937 North Wabash, started with two residential buildings on the property and the owner bought this property and vacant lots to the north a few years ago. The owner Ivan Ray's intent for this property is to expand it to the properties to the north. Stated that he has a large family and wants to move in and live here with his family. Stated that he has started some significant work on this property and has torn down the property in the back and has it cleaned up. Stated that the taxes are current, the premises are secured and clean except for some construction debris. Stated that staff recommends that he is given additional time to complete the repairs, which he would probably want 90 days.

Ivan Ray

Mr. Ray stated that he needs 90 days to get the roof and rear of the structure torn off to make it appear to be one sound structure. Stated that he plans to build on the north side an additional 1800 square feet and move his family in it.

Motion--

Brewer moved to grant a 90 day extension for the property located at (a) 937 North Wabash to continue

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--carried

working on the property and with Central Inspection. Motion carried 7 to 0.

RESOLUTION NO. 05-283

A Resolution finding that the structure/s located on Lots 9 and 11, on Wabash Avenue, Moore's Addition to Wichita, Sedgwick County, Kansas, commonly known as 937 North Wabash, is/are unsafe or dangerous an directing the structures/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-284

A Resolution finding that the structure/s located on Lots 14, 16 and 18, on Lorraine Street, Girard Addition to Wichita, Sedgwick County, Kansas, commonly known as 1416 North Lorraine, is/are unsafe or dangerous an directing the structures/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-285

A Resolution finding that the structure/s located on Lots 30 and 32, on Lorraine Avenue, Girard Addition to Wichita, Sedgwick County, Kansas, commonly known as 1432 North Lorraine, is/are unsafe or dangerous an directing the structures/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-286

A Resolution finding that the structure/s located on Lot 6, block P, University Park, and Addition to Wichita, Sedgwick County, Kansas, commonly known as 1501 North Fountain, is/are unsafe or dangerous an directing the structures/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-287

A Resolution finding that the structure/s located on Lots 16 and 18, Carr's Addition to Wichita, Sedgwick County, Kansas, commonly known as 1738 North Grove, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-288

A Resolution finding that the structure/s located on the East 38 feet of Lot 6 and Lot 7, except the East 19 feet thereof, block 7, Shadybrook Addition to Wichita, Sedgwick County, Kansas, commonly known as 2427-29 East Shadybrook, is/are unsafe or dangerous an directing the structures/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-289

A Resolution finding that the structure/s located on the South 16 feet of Lot 10, and the North 1 foot Addition to Wichita, Sedgwick County, Kansas, commonly known as 1848 North New York, is unsafe or dangerous an directing the structures/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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MID-WESTERN

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, MID-WESTERN AIRCRAFT SYSTEMS, INC. (DISTRICT III)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 05-0468

On February 22, 2005, the Boeing Company and Onex Corporation announced an agreement in principal for Onex to purchase Boeing's commercial aircraft facilities in Wichita and Oklahoma for a reported \$1.2 billion. In Wichita, Boeing's facilities house both commercial and military aircraft manufacturing operations. Facilities and equipment used in Boeing's military operations are not subject to the sale and will remain with Boeing. When the sale is closed, the former Boeing commercial aircraft facilities will be operated, at least initially, as Mid-Western Aircraft Systems, Inc. ("Mid-Western").

Since 1979, nearly all of the plant and equipment at Boeing's Wichita Plant on South Oliver has been financed with City of Wichita industrial revenue bonds ("IRBs") and granted 10-year property tax abatements. Upon completion of the acquisition, Mid-Western will assume ownership of all property that is no longer subject to tax abatement and has been deeded back to Boeing. Boeing will initially maintain its leasehold interest in bond-financed property still subject to tax abatements and will sublease property covered by the sale to Mid-Western in order to preserve the abatement. Boeing and Mid-Western may come to the City at a later date to request a restructuring of the Boeing IRBs that will allow bonds covering only Mid-Western's property to be assigned to Mid-Western.

Onex Corporation plans to invest an additional \$1 billion in new machinery, equipment and improvements to its newly-acquired facilities in Wichita. To support that investment, the Company is asking the City of Wichita to extend the same economic development incentives afforded the Boeing Company, including IRBs and property and sales tax exemptions, by approving a new 5-year \$1 billion letter of intent.

Mid-Western Aircraft Systems, Inc. requests the issuance of a five-year Letter of Intent to issue IRBs in an amount not to exceed \$1 billion. The bond proceeds will be used to finance the ongoing modernization and expansion of the commercial aircraft manufacturing facilities it is acquiring in Wichita. The proposed expansion project and improvements will enable Mid-Western to continue existing commercial aircraft part production programs and services, to take advantage of new technology and to compete for new aircraft part manufacturing business.

As part of the deal to purchase the Wichita commercial aircraft manufacturing facilities from Boeing, major parts systems for a variety of Boeing jetliners will continue to be manufactured at the Wichita plant under Mid-Western ownership, including the new Boeing 787. In addition, Mid-Western plans to expand its operations and customer base by marketing its aircraft parts manufacturing services to other makers of commercial aircraft as well as corporate and military aircraft. The five-year expansion program covered by the proposed IRB letter of intent includes expenditures of approximately \$80 million on construction of new facilities or improvements to existing facilities, and approximately \$920 million on the acquisition of machinery and equipment. Employment levels will be determined by production requirements. Average salaries are projected to be around \$50,000 per year.

Mid-Western intends to purchase its own bonds through direct placement and the bonds will not be reoffered for sale to the public. Mid-Western requests permission to use Kutak Rock LLP of Omaha, Nebraska to serve as the company's bond counsel for the proposed bond issues. Established City policy governing the issuance of IRBs requires the use of the City's contract bond counsel on all IRB issues, unless there is a conflict of interest. Mid-Western is requesting the use of Kutak Rock because that firm served as Boeing's bond counsel on prior Boeing IRB issues. The City retains the right to appoint its own bond counsel in the future, should the need arise.

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Under the City of Wichita/Sedgwick County Economic Development Incentives Policy, Mid-Western qualifies for a 100% property tax abatement for an initial five year period on all bond-financed real and personal property, plus a second five years for real property only. However, Mid-Western is requesting a full ten-year abatement for both real and personal property. These same terms were afforded Boeing and accordingly were used by Onex in evaluating the financial feasibility of purchasing the Wichita facilities. Mid-Western agrees to comply with all other standard letter of intent conditions.

Wichita State University Center for Economic Development and Business Research performed a cost-benefit analysis using the Derby school district. The resulting benefit-cost ratios are:

City of Wichita	1.79 to 1
Sedgwick County	1.47 to 1
U.S.D. 260	1.21 to 1
State of Kansas	3.12 to 1

Mid-Western Aircraft Systems, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Mid-Western qualifies for a 100% property tax exemption on the bond-financed property as a manufacturing business, based on its proposed level of capital investment.

The City Attorney's Office will review all final documents prior to issuance of the bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Nigel Wright

Mr. Wright stated that he is the Managing Director of Onex, which is the controlling shareholder of the applicant that is being discussed. Stated that we have currently in Wichita a plant that operates at about 45% capacity and are interested in buying this plant because they have a view to bringing new customers and new work into this plant and turning it into a profitable facility with a long-term future for this community. Stated that by moving the ownership from Boeing to Mid-Western, their plan is to market the facility and its competencies to other large commercial aircraft manufacturers as well as regional business jet manufacturers and to set themselves up to bid on defense contract work as well. Stated that their proposal is to expand the amount of work going in there which, they think will add thousands of jobs to this community. Stated that one thing that the sale does for them is for the first time contractually link the Boeing statement of work for this community. Stated that in order to do all of this they need to spend some money and their plans are to invest about a additional billion dollars in the next five years in four areas, the new tooling and equipment and building that is required for the 787 manufacturer; the modernization and upgrade of the manufacturing equipment and tooling required for the production of the sustaining programs; additional investment to upgrade the productivity of the plant and substantial investment in information and technology infrastructure as they repatriate from the Puget Sound area the basic business systems that they run the business on. Stated that their belief is that this investment will benefit the community from having many new jobs and their intent is to pay top of market, compensation and health benefits. Stated that they have committed publicly, that they will continue to be as Boeing has, a good citizen of this community and contributing in many ways to the quality of life both through financial support of community initiatives as well as the ongoing support of the employees and managers of that facility.

Council Member Skelton

Council Member Skelton asked Mr. Wright to expand on the thousand of jobs to their current employment level that he mentioned.

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Nigel Wright

Mr. Wright explained that they have not finished the detail planning on the initial employment compliment but they have said it would be the vast majority of people who are employed there today. Stated that the facility had formally about 18,000 people but 9,000 work there today and their view is to get it up towards its peak levels. Stated that they do not have all of the business lined up today that is going to get them there but have done substantial research in the 12 months that they have been planning this acquisition. Stated that they have done intense market demand studies that from their respective, tell them that there is substantial additional work that will be available for this plant to bid on. Stated that they have about five new work packages in the early stages right now and are comfortable that the business plan will hold out in that new work will come in and that translates into thousands of jobs. Stated that they do not have an agenda today for exactly how many jobs they will add each year of the five-years of this Letter of Intent.

Hoyt Hillman

Mr. Hillman stated that he is with the Society of Engineering Employees and Aerospace. Stated that Boeing and Wichita have been tied together for many years and that Boeing has had a favored status with the City Council and Boeing has come out strong in support of the local tax issues and have come out strong for the 2000 school bond issue and have received great publicity for recently donating \$200,000 to the schools. Stated that they have come to the City Council several times and have asked for bond money and tax abatements and that he believes that the City has a mill levy of 20 mills and looking at that small part of the millions that they have received in abatements, he estimates that Boeing currently avoids about 13.75 million in tax abatements each year. Stated that about half of that would go to the schools and in exchange for saving the 13.75 million, they have donated \$200,000 dollars to the schools. Stated that this economic disparity should be looked at and balanced with the good of the community. Stated that it is difficult to give money to a company that does not exist except on paper with a couple of employees right now and respects that fact that the Council are looking at a difficult decision for this community. Stated that they want Onex to be very successful in our community and want to build a long-term relationship built on respect. Stated that they do want Onex to receive this money but in exchange the City and the taxpayers deserve some guarantees and would like to see that the City Council look closely at the guarantees and make sure that this community will benefit from this process and should the agreement and the success of the company go south, he would like the Council and the taxpayers to have some protections.

Council Member Martz

Council Member Martz stated that they are not requesting a check from the City of Wichita and sometimes people do not understand what IRBs and what they are requesting are and this is not to be misconstrued with something other than the fact that this is a request to help them out and the jobs that should be created will more than satisfy the City.

Council Member Gray

Council Member Gray stated that in regards to Boeing's contribution of \$200,000 towards the bond issue and how much money they saved through abatements, Boeing is the single largest property tax payer in the City and Sedgwick County. They may have received abatements for \$13 million dollars but they pay considerably more than that a year on taxes.

(Fearey momentarily absent)

Sherrie Kennedy

Ms. Kennedy stated that she is here on behalf of the Boeing employees of Wichita. Stated that she is a 25-year employee of Boeing and she is on the military side, which is not part of the sale. Stated that of the 8,000 employees on the commercial side that are part of this Onex purchase, there is an average of 23-years of service for each employee and are talking about selling 184,000 current years of employment in the Wichita area. Stated that she wishes the Onex Company good luck and thinks it will be a wonderful thing for the City of Wichita if it is handled correctly. Stated that she has watched on television that these gentlemen have said that they plan to invest 1 billion dollars in this company within the next five-years and now they are asking to invest that 1 billion dollars, tax-free. Asked if this does not come from the taxpayers pockets. Stated that they have said that they plan to employ 18,000 people in the next five-years and has just heard Nigel Wright say that they were not sure. Stated that they she is concerned about the tax abatements that they are requesting and if there are any guarantees attached with that regarding 8,000 people that have given the majority of their lives to this company. Stated that they ask that they be fair and to follow through with their promises and put it in writing.

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Council Member Gray Council Member Gray stated that he feels privileged to have this opportunity to be a part of what could have been a difficult situation for our community and that through the opportunity that Onex has provided us with and taking a factory that is the largest employer in our county and trying to do everything they can to make sure that facility is functionable and stays in our community as opposed to the option of Boeing taking the company and dividing it into little pieces and selling the parts of and losing that employment base. Thinks it is outstanding that Boeing through the partnership with Onex has found the option to provide that continue employment with the anticipation of opening the facility up to a greater capacity of production and to encourage more employment in our community and for Onex to want to maintain that senior staff at Boeing that has been so involved with assisting our community through their charitable donations on a number of effort

Council Member Schlapp Council Member Schlapp stated that we have a great trust with Boeing and that when they come to us and say that this is a good deal and trust this new relationship, says a lot and is very supportive of this.

Motion-- Skelton moved that the public hearing be closed; a five-year Letter of Intent to Mid-Western Aircraft Systems, Inc. for Industrial Revenue Bonds in an amount not-to-exceed \$1 billion be approved; a ten-year 100% tax exemption on all bond-financed property be approved; staff authorized to apply to the Kansas Department of Revenue for a sales tax exemption on all bond-financed purchases, and the necessary signatures authorized. Motion carried 5 to 0, (Mayans and Brewer abstained due to conflict of interest).

--carried

SURPLUS SKID UNIT DISPOSAL OF SURPLUS SKID UNIT.

Mike Gonzales Battalion Chief reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 05-0469

As a result of the City's equipment replacement program, there are three surplus skid units ready for disposal being stored outside at the Fire Maintenance shop on South McLean until the City holds it's next auction. The last skid units that were sold at auction went for approximately \$500.00 each.

Cheney Fire Department is requesting one skid unit that is at least 10 years old. Due to the age and condition of the unit, the Wichita Fire Department no longer has a use for it. A Skid Unit consists of a gasoline motor, a fire pump and a 300-gallon water tank. The skid unit is typically loaded into the back of a squad or pickup style vehicle and utilized for responses to small fires such as, grass fires, trash fires and car fires. The pump, powered by a 18 hp gasoline engine, utilizes water from the tank to provide up to 100 gallons a minute to either a 1" or 1½" attack line. Because a separate motor powers the pump, the vehicle is able to pump water and travel (pump and roll) at the same time, making it an ideal unit for fighting grass fires. Fighting grass fires is the main function that the Cheney Fire Department intends to use it for.

While it is impractical for the City of Wichita Fire Department to repair and upgrade the unit, a small Department such as Cheney Fire Department would greatly benefit from this donation. The Wichita Fire Department responds to over 35,000 calls a year, while the Cheney Fire Department responds to less than 50 a year. Therefore, the demand would be less on this older skid unit and would meet Cheney's needs while allowing them to purchase other needed equipment with their limited funds.

The surplus skid unit has been replaced in the fleet.

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This skid unit is offered on an as is basis with no warranty or guarantee of any kind either expressed or implied and further releases the City of Wichita from any liability associated with this skid unit.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the donation of the skid unit be approved and the necessary signatures authorized. Motion carried 6 to 0, (Martz absent).

2004 CAFR

2004 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Kelly Carpenter

Finance Director reviewed the item.

Agenda Report No. 05-0470

Kansas state law requires an annual audit of all City accounts to be performed by an independent certified public accounting firm at least annually. Additionally, an audit of the City's federal forfeiture program is required by the Bureau of Justice each year. The Comprehensive Annual Financial Report (CAFR) and the report on compliance required by the Bureau of Justice are for the year ended December 31, 2004.

For the second year, the 2004 CAFR incorporates the specific requirements of the water and sewer revenue bond covenants, eliminating the necessity of a separate publication by the Water and Sewer Department.

The City's Comprehensive Annual Financial Report is designed to provide information needed by interested parties to gain a fair understanding of the government's financial position, results of operations and cash flows. The independent certified public accounting firm of Allen, Gibbs & Houlik, L.C. issued their opinion that the general purpose financial statements present fairly, in all material respects, the financial position of the City as of December 31, 2004, and the results of its operations and the cash flows of its business-type activities and component unit in conformity with generally accepted accounting principles. The Wichita Public Building Commission is considered a component unit and has been appropriately reflected in the financial statements as part of the financial reporting entity.

The Government Finance Officer's Association (GFOA) of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for its Comprehensive Annual Financial Report for the year ended December 31, 2003. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized CAFR, with content that conforms to program standards. The 2003 award represents the 31st consecutive year in which the City has earned this award. Staff believes that the 2004 CAFR continues to meet GFOA standards for certification and the City has applied for this recognition.

The 2004 CAFR reports the financial status of the City's funds as of December 31, 2004.

Kansas law requires an annual audit of City financial records by a certified public accounting firm (K.S.A. 75-1122) in accordance with the minimum standard audit program (K.S.A. 75-1123).

Mark Dick

Mr. Dick stated that he is the Vice-President of Allen, Gibbs and Houlik and gave the results of the audit of the calendar year 2004 financial statements.

Motion--
--carried

Mayans moved that the 2004 Comprehensive Annual Financial Report and the Independent Accountants' report regarding internal control and compliance with administration of major federal programs for the year ended December 31, 2004 be filed. Motion carried 7 to 0.

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PLANNING AGENDA

(Council member Schlapp momentarily absent)

Motion-- Mayans moved to approve the Consent Planning Agenda Items 21 through 35 and hold for discussion items 19 and 20. Motion carried 6 to 0.

**ZON2005-09 ZON2005-09 AND CON2005-09-ZONE CHANGE TO TWO-FAMILY RESIDENTIAL AND
CONDITIONAL USE REQUEST FOR TWO DUPLEXES ON ONE LOT. GENERALLY
LOCATED SOUTH OF ELM AND WEST OF SHERIDAN. (DISTRICT VI)**

John Schlegel Planning Director reviewed the item.

Agenda Report No. 05-0471

MAPC Recommendation: Approve, subject to conditions. (5-4)
D.A.B. Recommendation: Deny. (9-0)

Approve zone change and conditional use subject to conditions.

The applicant requests TF-3 Two-family zoning on a .34-acre site, currently zoned SF-5 Single-family. The site was developed with a single-family dwelling, which burned recently. The applicant also requests a Conditional Use for two duplexes on the one existing lot. The applicant proposes one duplex with access from Elm Street, and the other with access from Sheridan. North of the application area, across Elm are SF-5 zoned single-family residences, further north is a B Multi-family zoned apartment complex. South of the site are MF-29 Multi-family zoned multi-family units. East of the application area are SF-5 zoned single-family residences, and to the west is a vacant SF-5 zoned lot and railroad tracks.

DAB VI heard this request on April 4th, 2005. Several neighbors spoke against the request, the DAB voted 9-0 to recommend denial. MAPC heard this request on April 14th, 2005, where several neighbors spoke against the request. The MAPC voted 5-4 to approve both the zone change and the conditional use request, subject to the following conditions:

1. The applicant shall resubmit the site plan, to be approved by the Planning Director, and increase the front setback to 25 feet.
2. The site shall be developed in general conformance with the approved site plan.
3. The site shall be developed in general conformance with the building elevation submitted to the MAPC by the applicant.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Twelve protest petitions have been submitted opposing this request, two of which do not have complete signatures and therefore are not valid. The legal protest percentage is 42%, exceeding the 20% necessary to require a super-majority (3/4-majority) override vote of the Governing Body.

Council Member Fearey Council Member Fearey stated that she has listened to the concerns of the neighbors at the DAB meeting and feels that they have made the correct decision in recommending that we deny this application for a zone change and with the valid protest petition that has been put forth by the neighbors.

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- Motion-- Fearey moved to deny the zone change due to the character of the neighborhood and the protest of the area residents.
- Council Member Gray Council Member Gray inquired on what basis is this a bad thing. Stated that the neighbors are protesting the addition of two duplexes on a very large lot and an area that is not very dense and there is an apartment complex right next to it. Asked how long is this property going to sit there with a burnt down house on it.
- Council Member Fearey Council Member Fearey stated that the house will be torn down either way and their issue is that the lot has been zoned single-family and it could be split and have single-family put on it and do reach that critical mass of when a neighborhood turns over to being more rental then more owner occupied and that is not good for a neighborhood.
- carried Motion carried 6 to 1, (Gray no).

DR2003-016

DR2003-016-AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY COMPREHENSIVE PLAN.

John Schlegel Planning Director reviewed the item.

Agenda Report No. 05-0472

Since February 2003, MAPD staff has been working with the MAPC on updating the Wichita-Sedgwick County Comprehensive Plan. This Plan covers the City of Wichita and unincorporated Sedgwick County. Using revised 2010 and 2030 population and employment projections for the Wichita urbanized area based upon Census 2000 baseline data, the Plan update has focused on revising the existing Wichita Land Use Guide, January 2002 and the Sedgwick County Development Guide, January 2002. It is important to note that the 2030 urban growth areas outlined in the Wichita-Sedgwick County Comprehensive Plan are not prescriptive or binding in nature. They serve only as a reasonable indication as to where future municipal services and corporate limits could likely be extended by the year 2030.

No significant plan policy changes have been proposed as part of this update to the Comprehensive Plan. Staff feels that the metropolitan-wide "visioneering" initiative currently underway will provide important community direction regarding any major future changes that may be necessary to the current goals and policies of the Comprehensive Plan.

Analysis:

2030 Wichita Functional Land Use Guide, April 2005 and the Wichita and Small Cities 2030 Urban Growth Areas, April 2005.

The proposed 2030 Wichita Functional Land Use Guide, April 2005 has been reformatted to reflect functional land use categories rather than type of building facility or type of ownership. The final map reflects all new development activity occurring since January 2002 within the City of Wichita.

The proposed Wichita and Small Cities 2030 Urban Growth Areas, April 2005 has been revised to reflect the following considerations:

1. Municipal annexations that have occurred since 2002.
2. Revised metropolitan-wide population and employment projections completed in March 2004.
3. Necessary adjustments to the Wichita and small city 2030 urban growth areas based upon: municipal political considerations, current growth trends, anticipated population growth, efficient patterns of municipal growth, current infrastructure limitations and capacity for growth, cost effective delivery of future municipal services, and official comprehensive and water/sewer servicing plans of record.

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Comprehensive Plan Policies:

Although no significant plan policy changes are being proposed as part of this update to the Comprehensive Plan, staff has proposed a few new Plan objective and strategy statements that support recent regional collaboration initiatives related to long term municipal water supply, storm water and floodplain management, and economic development.

The proposed Wichita and Small Cities 2030 Urban Growth Areas, April 2005 and the 2030 Wichita Functional Land Use Guide, April 2005 reflect the final assessment of the MAPC regarding the realistic capabilities and capacities of municipalities in Sedgwick County to deliver future sanitary sewer and water services, and extend their corporate limits over the next 25 years. On April 28, 2005, following the closing of the public hearing, the MAPC unanimously voted to approve the amendments to the Wichita-Sedgwick County Comprehensive Plan.

Summary of Public and Community Feedback: During 2004, MAPD staff members met with key officials from every city in Sedgwick County to discuss their official comprehensive plan, municipal service extension plans and expectations for future population growth. A series of planning summits were also sponsored in early 2004 by Sedgwick County to help discuss and resolve competing growth issues. A map was prepared by MAPD that eliminated areas of conflict based upon an assessment of which municipalities could most readily, economically and efficiently provide municipal services to the conflict areas. This map was presented to a meeting of the SCAC (Sedgwick County Association of Cities) on September 11, 2004. In consideration of this feedback, the MAPC's Advanced Plans Committee prepared the proposed Wichita and Small Cities 2030 Urban Growth Areas, January 2005, and the 2030 Wichita Functional Land Use Guide, January 2005, for final public review and comment.

The following events were held to allow final community and public feedback on the proposed amendments to the Comprehensive Plan:

1. Staff mailed a copy of the proposed Wichita and Small City 2030 Urban Growth Areas, January 2005 and the 2030 Wichita Functional Land Use Guide, January 2005, to each township and municipality in Sedgwick County, so that they could provide final written comments to the MAPC. Only the Cities of Bel Aire and Sedgwick responded with written comments (Bel Aire objecting to the proposed amendments, and Sedgwick requesting a meeting to discuss their 2030 urban growth area).
2. A presentation of the proposed Plan amendments was made to the Visioneering Wichita Board on February 14, 2005. The Board was generally supportive of the proposed amendments.
3. A public information meeting was held at the Sedgwick County Extension Building on February 24, 2005, to allow opportunity for the general public to comment on the proposed Plan amendments. A total of 14 people attended the meeting and expressed support for the proposed amendments.
4. A presentation of the proposed Plan amendments was made at a meeting of SCAC (Sedgwick County Association of Cities) held on March 12, 2005. City of Bel Aire representatives indicated that they did not support the proposed Comprehensive Plan update.
5. Presentations of the proposed Plan amendments were made to all six Wichita District Advisory Boards during March and early April 2005. All six District Advisory Boards passed motions recommending approval of the proposed Plan amendments.
6. A public hearing of the MAPC was held on April 28, 2005. No one spoke at the hearing.

Alternatives: Two options are available to Council now that the Metropolitan Area Planning Commission has adopted the amendments to the Wichita-Sedgwick County Comprehensive Plan:

- a) Approve first reading of the Ordinance adopting the amendments to the Comprehensive Plan.
- b) Other actions deemed appropriate by Council.

Adoption of the amendments to the Comprehensive Plan does not obligate the City or the County to make any capital improvements; the plan is only a guide to future decision-making.

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The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, held a public hearing for the proposed amendments to the Wichita-Sedgwick County Comprehensive Plan on April 28, 2005, with the required notice of public hearing published in the official City newspaper. The MAPC unanimously approved a resolution adopting the amendments to the Wichita-Sedgwick County Comprehensive Plan. The adopting Ordinance has been reviewed and approved as to form. The governing body can adopt the recommended plan amendments by a majority vote, but may only modify recommendations submitted by the MAPC, on first consideration, by a 2/3 vote.

- Council Member Martz Council Member Martz asked if each individual city within Sedgwick County voted on this as well or just the MAPC.
- John Schlegel Planning Director stated no and that each of those cities did not and the only body that has voted on this has been the MAPC and it will require both the City Council's adoption and the adoption of the Board of County Commissioners as well.
- Council Member Martz Council Member Martz stated that part of the problem that we had in the past was that this plan was presented to the City of Wichita and the County Commissioners and was voted on and when there were annexation issues, we were informed that they were not included in the process. Stated that it is very important that this be presented to each one of the other communities and that they also be asked to take a vote from their City Councils' to accept this plan. Because if they do not accept it, we are faced with a potential of what we have had happen in the past. Stated that they need to be on record as taking some kind of a vote as a Sedgwick County Comprehensive Plan and if they turn it down, then they are on record of turning it down.
- John Schlegel Planning Director stated that he would be glad to send a copy out to them and let them take a vote on it and have made very extensive efforts to reach out to the smaller cities. Stated that several are on record that they do disagree.
- Council Member Martz Council Member Martz stated that is why he is asking that each one of the communities take an official vote or given the opportunity to take a vote.
- Motion-- Mayans moved that the ordinance amending the Wichita-Sedgwick County Comprehensive Plan as recommended by the Metropolitan Area Planning Commission be adopted and the adjoining communities are given an opportunity to provide an opinion on the plan. Motion carried 7 to 0.
- carried

ORDINANCE

An Ordinance approving certain amendments to the 1995 Wichita Sedgwick County Comprehensive Plan, introduced and under the rules laid over. (DR-2003-016)

A03-11

A03-11-THE UNILATERAL ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH OF 27TH STREET NORTH AND EAST AND WEST OF NORTH MAIZE ROAD, TO THE CITY OF WICHITA, KANSAS. (DISTRICT V)

Agenda Report No. 05-0473

On May 13, 2003, City Council adopted a resolution that established a public hearing date of July 15, 2003, at 7:00 p.m. at the Sedgwick County Extension Center, 7001 W. 21st Street North, for consideration of this unilateral annexation initiative. The eligible properties proposed for annexation at that time were generally located north of 27th Street North and east and west of N. Maize Road. This was planned as the first phase of a three-phase annexation initiative. At that time, the subject area for the first phase of annexation consisted of approximately 238 acres and 49 properties (23 platted, 26 unplatted), along with adjacent arterial and local road segments. There were 12 residential tracts, 16 farm-related tracts, 20 vacant tracts and 1 exempt use tract.

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Following the closing of the public hearing on July 15, 2003, City Council passed a motion (6-0) that annexation Ordinance 45-769 be placed on its passage and adopted on the date of its introduction. However, the Ordinance was never published and thus, the annexation never made effective, due to a District Court injunction filed against the City of Wichita by the City of Maize on July 15, 2003, barring the City of Wichita from annexing the subject properties. The City of Maize made claim that many of the parcels subject of the proposed City of Wichita unilateral annexation had already been annexed into the City of Maize on a consent basis. The City of Wichita had taken the position that the City of Maize annexations were invalid due to faulty and defective legal descriptions. The 18th Judicial District Court, Sedgwick County, subsequently ruled on this matter and made a judgment on September 15, 2003, that the City of Maize legal descriptions were sufficiently accurate as to indicate which properties were being annexed. The Court further issued a temporary injunction against the City of Wichita enjoining the City from annexing any real property already annexed by the City of Maize to that date, as described in the exhibits submitted as part of the Court case.

The City of Wichita and the City of Maize are currently working out an agreement with respect to the final alignment of their coterminous boundaries. The tracts of land subject of this unilateral annexation initiative are not contested by the City of Maize. Furthermore, it is the opinion of the Law Department that the District Court Order does not restrict the City of Wichita from annexing those properties described in Ordinance 45-769 that have not been annexed by the City of Maize. Accordingly, a new Ordinance has been prepared that describes those remaining properties that are still eligible to be unilaterally annexed.

A revised annexation Ordinance has been prepared that lists a total of 10 parcels still eligible for unilateral annexation (totaling 86 acres). Four parcels are in farmstead use, four are single-family residential parcels, one is in agricultural use and one is in institutional (school) use. All annexation parcels are zoned "SF-20" Single-Family Residential and will convert to the "SF-5" Single-Family Residential district upon annexation. Appropriate segments of 29th Street and 119th Street have also been included with this annexation initiative.

The majority of the land proposed for annexation is located within the area identified as "low-density residential" according to the 2002 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map. The land use pattern within the annexation area is generally consistent with its land use designation in the updated Plan. The majority of the annexation area falls within the 2010 Wichita Urban Service Area boundary.

The proposed annexation will allow for the continuation of the City's growth in the northwest part of Wichita. In accordance with Kansas State statutes, a Service Extension Plan has been prepared for this unilateral annexation. The Plan describes the means by which City services will be extended to the area.

The total appraised value of the remaining lands and improvements now proposed for annexation is \$2,008,110 resulting in the annual City Ad Valorem tax revenue of approximately \$5,396. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed amongst the City at large and the benefiting property owners according to current City policies.

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In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution establishing the public hearing, a map showing the properties included and notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area, and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date, as further notification of the scheduled public hearing. A copy of the Service Extension Plan has been placed on file in the City Clerk's Office. The subject properties as finalized and listed in the annexation Ordinance under consideration by City Council are currently eligible for annexation under K.S.A. 12-519, et seq.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on June 5, 2003. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Wichita-Sedgwick County Comprehensive Plan. The MAPC found the annexation in conformance with the Comprehensive Plan by a vote of eight to zero (8-0).

In conducting the public hearing, Kansas State statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. This hearing was held on July 15, 2003. After hearing all comments of the persons interested and closing the hearing at that time, the City Council now has the option of approving or rejecting the annexation proposal.

Motion--carried

Mayans moved that the annexation ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A03-11)

A05-08

**A05-08R-REQUEST BY JOHN C. & AUDREY A. ROBERTS TO ANNEX LANDS
GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF 29TH STREET
NORTH AND MAIZE ROAD. (DISTRICT V)**

Agenda Report No. 05-0474

The City has received a request to annex 6.95 acres of land generally located northwest of the intersection of 29th Street North & Maize Road. The annexation area abuts the City of Wichita to the south of the proposed property. The anticipated use of this site has not been determined at this time.

Analysis:

Land Use and Zoning: The proposed annexation consists of 6.95 acres of property currently zoned "SF-20" Single-Family Residential. This property will convert to the "SF-5" Single-Family Residential district upon annexation.

Property to the north, east, and west of the subject property is currently zoned "SF-20" Single-Family Residential. In addition, a portion of the property to the south is also zoned "SF-20," and the remaining property to the south is zoned "SF-5." Upon the approval of a pending unilateral annexation, the properties to the north, west and south will convert to "SF-5," Single-Family Residential.

Public Services:

A water supply line exists at the southeast corner of the subject property and along Maize Rd. parallel the east line of the property. The water supply line is to be extended along the south line of the property, along 29th Street North, later this year. Internal water distribution could be petitioned and extended from any of these points. Sewer main exists along 29th Street North parallel to the south line of the subject property. A sewer lateral system could be petitioned and extended into the property from this main.

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Street System: The subject property borders 29th Street North to the south, which is a two-lane asphalt road, and Maize Road to the east, which is a four-lane paved arterial road.

The City of Wichita Capital Improvement Program (CIP) 2004-2013 and the 2004 Transportation Improvement Program have scheduled improvements to 29th Street North from 119th Street to Maize Road, which runs along the southern edge of the subject property. Improvements include resurfacing and widening the road to five-lanes, as well as, installing a median. The Sedgwick County Capital Improvement Program 2005-2009 does not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a six (6) to seven (7) minute approximate response time from City Station No. 16, located at 1632 North Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: Sunset Park, a 19-acre neighborhood park, is located approximately 2 miles southeast of the proposed annexation site. Sunset Park contains a softball diamond, two tennis courts, a soccer field and a children's play area. In addition, the Sedgwick County Zoo is approximately 3 miles to the southeast from the subject property. According to the 1996 Parks and Open Space Master Plan, a potential future park site was recommended approximately ½ mile to the southeast of the subject property.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area, as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$420 with a total assessed value of \$126. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$4 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. The anticipated use of this property is undetermined at this time.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--carried

Mayans moved that the annexation Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A05-08)

ROYAL MAGNOLIA **PUD2005-01-CREATE PUD #18, THE ROYAL MAGNOLIA PLANNED UNIT DEVELOPMENT. GENERALLY LOCATED NORTH 37TH STREET NORTH, WEST OF MAIZE ROAD. (DISTRICT V)**

Agenda Report No. 05-0475

MAPC Recommendations: Approve, subject to staff recommended conditions, vote (9-0).

MAPD Staff Recommendations: Approve, subject to conditions and platting within one year.

DAB Recommendations: Not applicable.

The applicant proposes a 15-acre three parcel Planned Unit Development (PUD) generally located south of 37th Street North and west of Maize Road. The PUD incorporates two existing buildings, a proposed lake, proposed parking, establishes 30-foot building setbacks, and proposes two points of access from 37th Street North. The applicant proposes landscaping and screening per City code, cross-lot

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circulation between parcels, and limits new building facades to 50% metal. The applicant proposes prohibiting adult entertainment, group homes, group residences, halfway houses, correctional placement residences, private clubs, taverns and drinking establishments. Restaurants could serve liquor provided food is the primary service of the establishment.

Parcel A, approximately 4.99 acres, is proposed for 20% building coverage, .325 floor area ratio, 40-foot maximum building height, limited to development of a single-family residence and associated out-buildings. Proposed uses are those permitted by right in the "SF-20" Single-family zoning district.

Parcel B, approximately 4.28 acres, is proposed for 30% building coverage, .40 floor area ratio, 45-foot maximum building height, and limited to development of four buildings. Proposed uses are single-family residential, general office, and storage for on-site business only. Parking is proposed at one space per residence and one space per 250 square feet of office. One 12-foot monument sign is proposed with a maximum area of 32 square feet, and indirect or halo lighting, with no neon lighting permitted. All exterior lighting is to be shielded downward.

Parcel C, approximately 5.97 acres, is proposed for 9.62% building coverage, .12 floor area ratio, 50-foot maximum building height, and limited to development of two buildings. Proposed use is a facility for banquets, wedding receptions, social or business meetings, or similar functions to include community assembly uses. The proposed use is private functions only with reservations, a 12:30 am closing time, and band/DJ music limited to indoors. On-site food preparation and service is restricted to those activities customarily associated with or provided by catering services. The on-site catering of liquor (with required license in effect) is allowed for private functions when requested in conjunction with authorized functions. Operation of the facility as a restaurant, drinking establishment, or nightclub open to the public is prohibited. Occupancy is proposed at 600 persons. Parking is proposed at 132 spaces; the access drive and handicap parking shall be of an all weather surface, all other parking may be of a turf-stabilized and/or natural material surface. One 15-foot monument sign is proposed with a maximum area of 32 square feet, and indirect or halo lighting, with no neon lighting permitted. All exterior lighting is to be shielded downward.

North of the application area is the SF-5 zoned Prairie Point Addition, currently under development. To the north and east of the site is an undeveloped LC zoned CUP (DP 262). South of the site is property in Maize, zoned R1 Residential, and under used for agriculture. East and west of the site are properties in Maize, zoned R1 Residential, and developed with a single-family residences (east of the site) and a farmstead (west of the site). East of the application area, at the 37th North and Maize intersection, is property in Maize, zoned B1 General Business, and developed with a farmstead.

The MAPC heard this request on April 14, 2005, and recommended approval subject to staff recommended conditions listed below (9-0). A residential neighbor west of the site submitted a letter to MAPC with concerns about parking on 37th Street North, and access to her driveway.

APPROVE the Planned Unit Development (PUD #18 The Royal Magnolia) subject to the following conditions:

1. General Provision #2 shall be modified to add: "A Landscape Plan by a Kansas Landscape Architect shall be submitted by the applicant and approved by the Director of Planning prior to the issuing of any building permits on the site".
2. General Provision #8 shall be amended to state: "New Building construction shall be limited to no more than 50% metal on any single façade."
3. All property included within this PUD shall be platted within one year after approval of this PUD by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the PUD zone change shall not be published until the plat has been recorded with the Register of Deeds.
4. Prior to publishing the resolution establishing the PUD zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as PUD #18) includes special conditions for development on this property.
5. The applicant shall submit 4 revised copies of the PUD to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

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Motion--

Mayans moved that the It is recommended that the City Council adopt the findings of the MAPC and approve the PUD subject to the condition of platting within one year and the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

--carried

FALCON FALLS

CUP2005-00014-(ASSOCIATED WITH ZON2005-00010)-CREATE DP-283 FALCON FALLS COMMERCIAL COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED AT THE NORTHWEST CORNER OF HILLSIDE AVENUE AND 45TH STREET NORTH. (DISTRICT I)

Agenda Report No. 05-0476

MAPC Recommendations: Approved subject to platting within one year, and staff recommended conditions. (9-0)

MAPD Staff Recommendations: Approved subject to platting within one year and conditions.

DAB Recommendations: Not applicable.

The applicant proposes to create a commercial Community Unit Plan containing approximately 20 acres with two parcels zoned "LC" Limited Commercial. The property is located on the northwest corner of Hillside Avenue and 45th Street North, where these roads are intersected with K-254. The on-ramp from Hillside to K-254 forms the southeastern boundary of the site.

The CUP would allow all uses permitted by right in "LC" except the following uses to be prohibited: adult entertainment, sexually oriented businesses, group homes, group residences, correctional placement residences, asphalt/concrete plants, private clubs, taverns and drinking establishments. Parcel 1 is 2.87 acres and is located north of a drainage way running between Hillside and Chisholm Creek. Parcel 2 is 17.34 acres and lies along the K-254 on-ramp. Chisholm Creek borders the site from southwest to northeast. The creek is a natural feature separating the proposed commercial tract from the residential use being platted on the other side of the creek.

Setbacks are 35 feet on perimeter of property. Maximum building coverage is 30 %, floor area ratio is 0.35, and maximum building height is 45 feet. Three buildings would be permitted on Parcel 1 and six buildings on Parcel 2. The buildings would share uniform architectural character; light poles would be similar or consistent and limited to 24 feet in height. The CUP requires a pedestrian plan connecting the buildings with 45th Street North and Hillside, internal cross-lot circulation, and site plan approval of internal circulation.

Ground signage would be per code except for stipulating 30 feet as the maximum height. A 30-foot height is allowed in the "LC" district by trading off one of the permitted sign locations for an additional five feet of height above 25 feet, based on a spacing of 150 feet apart for ground signs. The CUP prohibits off-site or portable signs, signs on rear of buildings and flashing/rotating/moving signs except time and temperature or public message signs, and limiting window display signs to 25 % of window area.

The surrounding area is undergoing a wave of development. The area to the north and west is being platted or is under development as Falcon Falls, a single-family subdivision zoned "SF-5" Single-family Residential. Wichita Heights High School is one-third mile to the north. Suburban ranches on property zoned "SF-20" Single-family Residential are located east of Hillside. The land south of K-254 is a highway maintenance facility, vacant land zoned "SF-5" and "LC", and a fuel storage tank farm, zoned "GI" General Industrial.

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At the MAPC hearing on April 14, 2005, no citizens were present to speak. MAPC voted (9-0) to recommend approval community unit plan and the zone change subject to the following conditions:

- A. APPROVE the zone change (ZON2005-00010) subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-283), subject to the following conditions:
 - 1. The western 30' opening on 45th Street North shall be right-in/right-out only.
 - 2. The location and length of accel/decel lanes and center left-turn lanes shall be determined at time of platting.
 - 3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 - 4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 - 5. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
 - 6. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-283) includes special conditions for development on this property.
 - 7. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Motion--

Mayans moved that the findings of the MAPC be adopted; the zone change and CUP subject to the condition of platting within two years and the recommended conditions approved; the Planning Department instructed to place the ordinance for first reading when the plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time, introduced and under the rules laid over. (ZON2005-10)

VAC2004-00047

VAC2004-00047-REQUEST TO VACATE A PORTION OF A PLATTED DRAINAGE EASEMENT, GENERALLY LOCATED EAST OF 135TH STREET WEST AND NORTH OF KELLOGG AVENUE, MORE SPECIFICALLY EAST OF THE FAWNWOOD COURT-FAWNWOOD STREET INTERSECTION. (DISTRICT V)

Agenda Report No. 05-0477

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant request vacation of a 4.5-foot portion of a platted 20-foot drainage easement that that lies on the common lot line of Lots 43 & 44, Block D, Auburn Hills 5th Addition. A house was built (2003) into the easement. There was a storm water drain line in the easement, which has been relocated, per City Standards as requested by Storm Water. Storm Water also requested that an additional minimum 4.5-feet of easement be dedicated on Lot 44, Block D, Auburn Hills 5th Addition and the portion of the easement where the encroachment occurs, on Lot 43, be vacated. There are no franchised utilities,

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water or sewer lines in the easement. The Auburn Hills 5th Addition was recorded with the Register of Deeds June 8, 1998.

The MAPC voted to approve (9-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Certified copies of the Vacation Order and a dedication of a drainage easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2004-00066

VAC2004-00066-REQUEST TO VACATE A PORTION OF WICHITA STREET'S PLATTED RIGHT-OF-WAY, GENERALLY LOCATED BETWEEN FIRST STREET AND SECOND STREET. (DISTRICT VI)

Agenda Report No. 05-0478

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant is requesting consideration to vacate the western undeveloped portion of Wichita Street, between 1st Street and 2nd Street, where it abuts the east side of Lots 25 – 47, odd, the Waterman's Addition. The proposed vacated portion of right-of-way (ROW) begins approximately 16-feet west of the curb of the developed portion of Wichita Street. The applicant's parking abuts this undeveloped portion of Wichita Street, which is landscaped undeveloped ROW. An abandoned railroad ROW runs over a portion of this section of Wichita Street. The City acquired the abandoned railroad ROW through a quit claim. There is a water line in the southern portion of the ROW, but no sewer line or manholes. Westar has equipment in the northern portion of the ROW. Portions of Wichita Street, north and south of the site have been vacated in the past. The results of these vacations are that Wichita Street does not continue south to Douglas Avenue or north to Central Avenue. The Waterman's Addition was recorded with the Register of Deeds May 30, 1870.

The MAPC voted to approve (10-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Certified copies of the Vacation Order and a restrictive covenant will be recorded with the Register of Deeds. Retain the south 20-feet and the north 20-feet of the vacated portion of Wichita Street as utility easements.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2005-00008

VAC2005-00008-REQUEST TO VACATE PLATTED ACCESS CONTROL, GENERALLY LOCATED ON THE SOUTH OF 29TH STREET NORTH AND APPROXIMATELY ¼ MILE EAST OF RIDGE ROAD. (DISTRICT V)

Agenda Report No. 05-0479

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

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The applicant has applied for the vacation of the complete access control along the subject site's 29th Street North frontage. The vacation will allow the one 30-foot drive on Lot 2 to shift itself 14-feet east and allow the one 30-foot drive onto Lot 3 to shift itself 123-feet east; all lots are in Barefoot Bay Estates Addition. There will be 133-feet of access control between the new drives, if the vacation is approved, instead of the current 300-feet. The drives provide the only access onto two large single-family lots that abut a sand pit on their south sides. There is a large sand pit north, across 29th Street North, of the site, which limits or prevents any new drives from being located opposite the site. 29th Street North is a paved two-lane arterial that has primarily single-family development on either side of it at this location and some undeveloped "LI" property around the area's sand pits. There are manholes and sewer lines located in portions of the 29th Street North ROW at his location. The Barefoot Bay Estates Addition was recorded with the Register of Deeds February 24, 2004.

The MAPC voted to approve (9-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Certified copies of the Vacation Order and dedications of abutter's access rights over Lots 2 & 3, Block A, Barefoot Bay Estates will be recorded with the Register of Deeds

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2005-00009

VAC2005-00009-REQUEST TO VACATE RIGHT-OF-WAY AND A PLATTED SETBACK, GENERALLY LOCATED BETWEEN HOOVER ROAD AND THE COWSKIN FLOODWAY, APPROXIMATELY 3,000 FEET NORTH OF KANSAS HIGHWAY K-42 HIGHWAY, (DISTRICT IV)

Agenda Report No. 05-0480

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant is requesting vacation of the unimproved portion of right-of-way (ROW) as previously described. The 60-foot by approximately 475-feet of ROW intersects Hoover Road on its west side and ends at the Cowskin Floodway on its east side. Interstate Highway-235 ROW is east of the Floodway and the Cessna Aircraft facility is west of Hoover Road. The proximity of the proposed vacated ROW to the Floodway, Interstate Highway-235 and the Cessna facility make it unlikely that the ROW will ever be extended beyond its current location. The applicants own the abutting northern and southern properties. Both abutting properties have access onto Hoover Road that they are currently using, so the vacation of the ROW would not affect their access to Hoover Road. There are no manholes, sewer or water lines in the ROW. There is a storm drain line in the ROW. Westar has equipment in the ROW. The platted 35-foot setback that runs parallel to the north lot line of Lot 1 and the generally parallel to the platted ROW as recorded in the W.B. Carter Addition, will be vacated and replaced with the setback current to the Unified Zoning Code's "LI" Limited Industrial zoning district. The W.B. Carter Addition was recorded with the Register of Deeds on April 7, 1970.

The MAPC voted to approve (9-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds. Retain the platted right-of-way recorded on the WB Carter Addition and the right-of-way established per Misc. Book 354, Page 529 as an access, drainage and utility easement. Retain the west 10-feet of the platted right-of-way recorded on the WB Carter Addition and the right-of-way established per Misc. Book 354, Page 529 as right-of-way. Vacated the platted 35-foot setback that runs parallel to the north lot line of Lot 1 and the generally parallel to the platted ROW as recorded in the W.B. Carter Addition and replace with the setback current to the Unified Zoning Code's "LI" Limited Industrial zoning district.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2005-00010

VAC2005-00010-REQUESTED TO VACATE A PLATTED UTILITY EASEMENT AND A PLATTED SETBACK, GENERALLY LOCATED MILE WEST OF ROCK ROAD, MIDWAY BETWEEN 21ST STREET NORTH AND 13TH STREET NORTH. (DISTRICT II)

Agenda Report No. 05-0481

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant is requesting consideration for the vacation of all of the platted 10-foot utility easement and the platted 35-foot setback as described. The applicant proposes the vacation to allow more area to build more storage units. The Unified Zoning Code (UZC) provides no interior side yard setback for the "LI" zoning district. The UZC's Compatibility Standards for an interior side yard setback when property is zoned "MF-18" Multi-family Residential or has a less restrictive zoning when adjacent to property zoned "TF-3" Two-family Residential or a more restrictive zoning, is a minimum of 15-feet, plus 1-foot for each 5-feet of lot width over 50-feet. The maximum interior side yard setback, per the Compatibility Standards, is 25-feet. The self storage facility (zoned "GO" General Office) is south of the site, Lot 1, Security Storage Properties Addition, was required to have a 15-foot landscape buffer along the west side of their site, per condition #2 of BZA 35-84. The western abutting property is zoned "SF-5" and is developed as USD 259 Coleman Middle School. The school's playing fields abut the site. Placing the back of a storage facility against the USD/subject site's common property line basically provides solid screening at that location. There are no manholes, sewer or water lines in the platted easement. The CCR 3rd Addition was recorded with the Register of Deeds May 23, 1995.

The MAPC voted to approve (9-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. Waive the Unified Zoning Code's setback compatibility standards.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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VAC2005-00012

VAC2005-00012-REQUEST TO VACATE A PORTION OF A PLATTED FRONT SETBACK, GENERALLY LOCATED WEST OF MERIDIAN AVENUE AND SOUTH OF 53RD STREET NORTH, MORE SPECIFICALLY SOUTHWEST OF THE SANDKEY STREET-SANDKEY COURT INTERSECTION. (DISTRICT VI)

Agenda Report No. 05-0482

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant proposes to vacate the south 5-feet of the platted 25-foot front setback to remove an encroachment of a bay window into the setback. This is also being done to satisfy a mortgage title inspection. The Unified Zoning Code's front setback for the "SF-5" zoning district is 25-feet. If the front setback was not platted the applicant could have applied for an Administrative Adjustment that would allow the setback to be reduced by 20%, i.e. reducing it to 20-feet. There are no franchised utilities, water or sewer lines in the platted setback. The Moorings North Addition was recorded with the Register of Deeds on December 9, 1997.

The MAPC voted to approve (9-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

AVALON PARK

SUB2003-149-PLAT OF AVALON PARK THIRD ADDITION, LOCATED NORTH OF 37TH STREET NORTH AND ON THE EAST SIDE OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 05-0483

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of 85 lots on 61.8 acres, is located within Wichita's city limits and is zoned SF-5, Single-family residential district.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, drainage, sidewalk and water improvements. Restrictive Covenants were submitted to: 1) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street; and 2) provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-268

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90075 (north of 37th street north, east of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-269

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90076 (north of 37th street north, east of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-270

Resolution of findings of advisability and Resolution authorizing construction of Lateral 23, Main 19, southwest interceptor sewer (north of 37th street north, east of Tyler) 468-84009 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-271

Resolution of findings of advisability and Resolution authorizing construction of Lateral 22, Main 19, southwest interceptor sewer (north of 37th street north, east of Tyler) 468-84010 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-272

Resolution of findings of advisability and Resolution authorizing improving storm water drain no. 264 (north of 37th street north, east of Tyler) 468-84011 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-273

Resolution of findings of advisability and Resolution authorizing improving storm water drain no. 265 (north of 37th street north, east of Tyler) 468-84012 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-274

Resolution of findings of advisability and Resolution authorizing improving storm water drain no. 266 (north of 37th street north, east of Tyler) 468-84013 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-275

Resolution of findings of advisability and Resolution authorizing constructing pavement on Lake Ridge from the south line of Avalon Park 3rd Addition to the west line of lot 36, block 1; Lake Ridge Court from the east line of Lake Ridge to and including the cul-de-sac; Lake Ridge Court from the west line of Lake Ridge to and including the cul-de-sac; Candlewood Circle from the west line of Lake Ridge to and including the cul-de-sac and a sidewalk to be installed along the east line of Lake Ridge (north of 37th street north, east of Tyler) 472-84220, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-276

Resolution of findings of advisability and Resolution authorizing constructing pavement on Candlewood from the east line of Lot 35, block 1; to the east line of Tyler Road; Candlewood Court from the south line of Candlewood to and including the cul-de-sac, to serve lots 4 through 16, block 1; Candlewood Court from the South line of Candlewood to and including the cul-de-sac, to serve lots 17 through 35, block 1; and a sidewalk to be installed along the north line of Candlewood (north of 37th street north, east of Tyler) 472-84221, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

KILLARNEY PLAZA SUB2004-133-PLAT OF KILLARNEY PLAZA EAST ADDITION, LOCATED NORTH OF 29TH STREET NORTH AND WEST OF ROCK ROAD. (DISTRICT I)

Agenda Report No. 05-0484

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 13 lots on 5.86 acres, is a replat of Lot 1, Block 1, Killarney Plaza Third Addition. The site is located within Wichita's city limits and is zoned MF-18, Multi-family Residential District.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for street, sewer and water improvements. Restrictive Covenants were submitted to: 1) allow the establishment of a homeowners' association to provide for the ownership and maintenance of the reserves; and 2) provide three off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-277

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution system no. 448-90077 (north of 29th street north, west of Rock) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-278

Resolution of findings of advisability and Resolution authorizing construction of Lateral 69, Main 9, sanitary sewer no. 23 (north of 29th street north, west of Rock) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-279

Resolution of findings of advisability and Resolution authorizing constructing pavement on Gouverneur Circle to serve Killarney Plaza East Addition (north of 29th street north, west of Rock) 472-84225 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

K & B ADDITION

SUB2004-141-PLAT OF K & B ADDITION, LOCATED EAST OF MERIDIAN AND SOUTH OF 37TH STREET NORTH. (DISTRICT III)

Agenda Report No. 05-0485

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This site, consisting of two lots on 16.16 acres, is located within Wichita's city limits. The site has been approved for a zone change (ZON 2004-66) from SF-5, Single-Family Residential District to LC, Limited Commercial District. A Protective Overlay (P-O #151) was also approved for this site. A Notice of Protective Overlay has been submitted addressing parking, setbacks, drainage, signage, lighting, landscaping and architectural controls.

A Petition, 100 percent, and a Certificate of Petition have been submitted for sewer improvements. This site is within the noise impact area of McConnell Air Force Base; therefore, an Avigational Easement and Restrictive Covenant has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Notice of Protective Overlay, Certificate of Petition, Avigational Easement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2004-66)

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RESOLUTION NO. 05-280

Resolution of findings of advisability and Resolution authorizing construction of lateral 42, main 21, sanitary sewer no. 22 (east of Meridian, south of 37th street north) 468-84020, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

COUNTRY CLUB

SUB2004-155-PLAT OF WICHITA COUNTRY CLUB FIRST ADDITION, LOCATED ON THE EAST SIDE OF ROCK ROAD AND SOUTH OF 13TH STREET NORTH. (DISTRICT II)

Agenda Report No. 05-0486

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-1)

The negative vote indicated a Commissioner's concern regarding a contingent dedication of street right-of-way.

This site, consisting of one lot on 3.61 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District. Municipal services are available to serve this site.

The site is within the noise impact area of Jabara Airport; therefore, an Avigational Easement and Restrictive Covenant have been submitted. A Cross-lot Drainage Agreement has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Avigational Easement, Restrictive Covenant and Cross-lot Drainage Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

STREET IMPROV.

STREET IMPROVEMENT AGREEMENT FOR PROPERTY LOCATED ON THE NORTH SIDE OF 33RD STREET NORTH AND WEST OF ARKANSAS. (DISTRICT VI)

Agenda Report No. 05-0487

Staff Recommendation: Approve the Agreement.

This Agreement is for the future paving of Jeanette Street and is associated with Lot Split No. SUB 2005-37 (Part of Lot 21, Walnut Grove Addition).

The Lot Split allowed the creation of an additional lot zoned SF-5, Single-family Residential District. This Agreement assures the City of Wichita that this property will be included in paving improvements for Jeanette Street, and that the owners have waived their right to protest said paving improvement.

The Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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Council Member Fearey Council Member Fearey stated that she had talked to some of the Council Members and the Mayor about used car lots in some of our neighborhoods and visited with staff about this issue and whether or not the Comprehensive Plan was the time to raise this issue. Stated that John Schlegel recommended that if there is concern about where used car lots are located and how they should look in our neighborhoods and it is currently looked at that any place that has ever served automobiles is good to have a used car lot there and this can pit neighborhoods against businesses. Stated that John Schlegel recommended that he meet with the Council Members and look at this issue and discuss what we would like to see in used car lots and then go back to staff and look at changes in our zoning ordinance and then come back to the Council at a workshop and go back to the DABs. Stated that she is asking if the Council would like to proceed with this process. The consensus was yes.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Gray Council Member Gray requested to reappoint the following people to the Mechanical Trade and Appeals Board: Carl Hannah, Gary Highfield, Dave Hughes, Frank Rash, Elaine Tharp and Ray Frederick.

Mayor Mayans Mayor Mayans requested that Bob Aldrich be appointed to the MAPC and that he has resigned from the Park Board.

Motion--carried Mayans moved that the appointments be made. Motion carried 7 to 0.

RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 12:17 p.m. to consider: Consultation with legal counsel on matters privileged in the Attorney-Client relationship relating to: pending litigation, potential litigation, legal advice and preliminary discussions relating to the acquisition of real property for public purposes, confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session on earlier than 1:07 p.m. and reconvene in the City Council Chambers of City Hall. Motion carried 7 to 0.

--carried

RECONVENE

The Council reconvened in the City Council Chambers at 1:10 p.m. and Mayor Mayans asked to recess the meeting until 2:15 p.m.

Motion-- Mayans moved to recess the meeting until 2:15 p.m. and return to Executive Session until 2:45 p.m.

--carried Motion carried 5 to 0, (Brewer and Schlapp absent).

RECONVENE

The Council reconvened in the City Council Chambers at 2:50 p.m. Mayor Mayans requested to extend the Executive Session for an additional 15 minutes, until 3:05 p.m.

Motion-- Mayans moved to extend the Executive Session for an additional 15 minutes and to return at 3:05 p.m.

--carried Motion carried 4 to 0, (Fearey, Martz and Gray absent).

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RECONVENE The Council reconvened in the City Council Chambers at 3:05 p.m. and Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved at 3:05 p.m. to close the executive session. Motion carried 4 to 0, (Brewer, Gray and Fearey absent)

Motion--carried Mayans moved at 3:06 p.m. to close the regular meeting. Motion carried 4 to 0, (Brewer, Gray and Fearey absent).

Adjournment The meeting adjourned at 3:06 p.m.

Respectfully submitted,

Karen Sublett
City Clerk

***Workshop followed in the First Floor Board Room.**